

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA

REGULAR SESSION
OF 1980

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, FEBRUARY 5, 1980



VOL. 1
WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience.

1. List of registered lobbyists, with lobby group affiliation;
2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
3. A listing of legislative days, with calendar dates and pages on which each day begins;
4. A topic index of general bills listed alphabetically by subject matter;
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6. A topic index of resolutions;
7. A miscellaneous index, including all items not categorized as bills or resolutions;
8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. A Senate bill numerical index, with short titles; and
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FIRST LEGISLATIVE DAY

TUESDAY, FEBRUARY 5, 1980

This being the first Tuesday in February, A.D., 1980, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Honorable Charles Britnell, 2nd Senatorial District.

ROLL CALL

Present:

Messrs.:	Glass	Little	Robertson
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

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LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Clemon and Lemaster for today.

RESOLUTIONS

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

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BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 5, 1980, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. St. John, Denton, and Higginbotham.

Mr. St. John then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Taylor, Miller, and Goodwin.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

November 21, 1979

The Honorable McDowell Lee
Secretary of the Alabama Senate
State Capitol
Montgomery, AL 36130

Dear Mr. Lee:

In compliance with Article XIV, Section 264, of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following

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persons have been elected as members of The University of Alabama Board of Trustees by members of said Board, in the manner prescribed by the Constitution, on October 26, 1979.

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
T. Massey Bedsole	Mobile, Ala.	First	1991
Martha H. Simms	Huntsville, Ala.	Fifth	1987
Thomas E. Rast	Birmingham, Ala.	Sixth	1983
Samuel Earle G. Hobbs	Selma, Ala.	Seventh	1991

Respectfully submitted,

WAYNE TEAGUE,

State Superintendent of Education.

Sworn to and subscribed before me on the 30th day of November, 1979.

CHARLES S. COLLEY,
Notary Public.

COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

The foregoing Communication from the Superintendent of Education, relative to appointments to the Board of Trustees to the University of Alabama, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Mr. Britnell:

S. 1. To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1979; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 2. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Keener:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

Committee on Judiciary.

By Mr. Figures:

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Committee on Judiciary.

By Mr. deGraffenried:

S. 5. To exempt the Junior League of Tuscaloosa, Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 6. To exempt Chapter No. 1, Disabled American Veterans, Tuscaloosa, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Robertson:

S. 7. To repeal Sections 16-5-1 through 16-5-10 of the Code of Alabama, 1975, and Act No. 79-461, H. 494 of the 1979 Regular Session, which related to the establishment, membership, powers, authority and duties of the Alabama Commission on Higher Education; to transfer all property, whether real or personal, and all assets and unexpended funds to the State Board of Education; and to transfer all powers, authority and duties heretofore granted to the Alabama Commission on Higher Education to the State Board of Education.

Committee on Education.

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By Mr. Keener:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents on the uniform accident report form.

Committee on Governmental Affairs.

By Mr. Keener:

S. 9. To amend sections 11-50-15 and 11-50-234 of the Code of Alabama 1975 which relate to fees of the boards of directors of public corporations, so as to increase the maximum fees which may be paid.

Committee on Judiciary.

By Mr. Keener:

S. 10. To amend section 12-15-10 of the Code of Alabama 1975 relating to court costs, attorney fees and expenses for maintenance and care of children, so as to require the state to pay attorney fees in cases involving indigent juveniles.

Committee on Judiciary.

By Mr. Keener:

S. 11. To provide that any law to the contrary notwithstanding, any person who sells his real or personal property and who retains a mortgage or other security interest in such property, may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Committee on Banking and Insurance.

By Mr. Keener:

S. 12. To amend section 8-8-10, Code of Alabama 1975, which relates to certain judgments entered as a result of default on the repayment of certain loans, so as to provide further for the rate of interest accruing to such judgments.

Committee on Banking and Insurance.

By Mr. Keener:

S. 13. To permit a retired state policeman to accept employment within any department or agency of the state government of Alabama without being required to become or remain a member of the state retirement system as a condition of their employment, or be denied retirement benefits otherwise earned as a state policeman during such term of employment in a classified position other than state policeman.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 14. To amend section 12-16-34 of the Code of Alabama 1975 relating to compensation of members of county jury commissions, so as to increase the amount of compensation paid to each member.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

Committee on Judiciary.

By Mr. Vacca:

S. 16. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 17. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 18. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Vacca:

S. 19. To amend Section 40-18-19, Code of Alabama 1975, which exempts certain income from state income taxation, so as to exclude payments made to certain individuals from certain county or municipal retirement systems.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 20. To exempt the Our Lady of Angels Monastery, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

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By Mr. Vacca:

S. 21. To provide for the licensing of histotechnologists; to establish an Alabama Board of Examiners for Histotechnologists; to define the powers and duties of such boards; to prescribe licensing standards, procedures, and fees and to provide penalty for violation of this act.

Committee on Health and Welfare.

By Mr. Figures:

S. 22. To provide that during certain emergencies and natural disasters, prices on goods and services must not exceed more than a certain percentage of the price prior to such conditions; and to prescribe felony penalties against any person, firm or business which violates the provisions of this act.

Committee on Judiciary.

By Mr. Cook:

S. 23. To provide for a state office of space management under the authority and control of the state building commission; to prescribe the functions of such office and to provide for the appointment and salary of a director for such office.

Committee on Governmental Affairs.

By Mr. Cook:

S. 24. To amend Section 41-9-140, Code of Alabama 1975, which relates to the building commission so as to provide further for the term of the legislative members and for meetings of the commission.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 25. To make a supplemental appropriation to certain cities and counties in order to compensate said cities and counties for the housing, maintenance and medical support of state prisoners.

Committee on Finance and Taxation.

By Mr. Robertson:

S. 26. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

Committee on Finance and Taxation.

By Mr. Keener:

S. 27. To amend Section 8-8-10 of the Code of Alabama 1975 so as to further provide for the rate of interest on money judgments and costs.

Committee on Finance and Taxation.

By Mr. Keener:

S. 28. Relating to water safety; establishing a speed limit for the operation of a vessel within a certain distance of a pier and prescribing penalty for violation.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Keener:

S. 29. To ratify and confirm private sales of a ward's property under certain conditions and subject to review by the courts of this State; to provide for the procedures and review of future private sales of property of a ward.

Committee on Judiciary.

By Mr. Keener:

S. 30. To amend Section 25-5-90 of the Code of Alabama, 1975, which relates to attorney fees in workmen compensation cases, so as to remove the provision requiring the approval of employment of an attorney by the judge of the circuit court; and to eliminate, in certain cases, the requirement for the circuit court judge to set the attorney fee.

Committee on Judiciary.

By Mr. Keener:

S. 31. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Committee on Banking and Insurance.

By Mr. Gulledge:

S. 32. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

Committee on Governmental Affairs.

By Mr. Gulledge:

S. 33. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. 34. To amend Section 16-25-10.1, Code of Alabama 1975, which provides that employees of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System, so as to include employees of the Alabama Vocational Association.

Committee on Education.

By Mr. Gulledge:

S. 35. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Committee on Banking and Insurance.

By Mr. Gulledge:

S. 36. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Committee on Health and Welfare.

S. 37. WITHDRAWN

By Mr. Gullledge:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

Committee on Banking and Insurance.

By Mr. Higginbotham:

S. 39. To prohibit state supported institutions of higher learning from continuing in residence certain students from any foreign nation which does not maintain diplomatic relations with the United States of America or offer protection to American emissaries and representatives to any such foreign country; and to prohibit the use of state funds at institutions failing to comply with the provisions of this Act.

Committee on Judiciary.

By Mr. Kirkland:

S. 40. To amend Section 9-2-8 of the Code of Alabama 1975 so as to further provide for the adoption and judicial review of rules and regulations of the department of conservation and natural resources as to game, fish, and seafood.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Vacca:

S. 41. To establish a boat operator's license; to provide the procedure and cost of obtaining a boat operator's license, a boat operator's permit, and duplicates; and to prescribe penalties for violations of provisions of this Act.

Committee on Judiciary.

By Mr. Vacca:

S. 42. Relating to the Rules of the Road; prescribing certain load security requirements for certain hauling devices used for transporting logs and pulpwood on the public roads and highways of this state.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Gullledge:

S. 43. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Committee on Banking and Insurance.

By Mr. Gullledge:

S. 44. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 45. To amend Section 5-19-20, Code of Alabama 1975, which provides for life insurance written in connection with credit transactions, so as to limit the amount of the premium which may be charged.

Committee on Banking Insurance.

By Mr. Bailey:

S. 46. To amend Section 5-18-17, Code of Alabama 1975, as amended, which provides for insurance relating to loans under the Alabama Small Loan Act, so as to limit the maximum premium which lenders may charge for credit life insurance written in connection with said loans

Committee on Banking and Insurance.

By Mr. Bailey:

S. 47. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Committee on Judiciary.

By Mr. Bailey:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Committee on Judiciary.

By Mr. Keener:

S. 49. To amend Section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to radiation, asbestos, or a chemical substance shall first be deemed to accrue.

Committee on Judiciary.

By Mr. Kirkland:

S. 50. To repeal Sections 14-9-1 through 14-9-25, Code of Alabama 1975, which provide for deductions from prison sentences for good conduct and gives the board of corrections authority to develop a system whereby good conduct will be considered by the board of pardons and paroles.

Committee on Judiciary.

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By Messrs. Goodwin, Keener and Weeks:

S. 51. To amend section 36-26-36 of the Code of Alabama 1975 relating to partial payment for accrued sick leave at time of retirement so as to provide further for such payment.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 52. To provide for a tax credit for payments for enrollment in programs for dieting or stopping smoking.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 53. To amend Act 1158, S. 866, 1969 Regular Session (Acts 1969, p. 2163) which relates to the office of public defender in judicial circuits having certain large prison populations, so as to provide further for the term of such office, to provide for secretarial help for the office, and to authorize the public defender to participate in the state retirement system.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 54. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 55. To provide for the rate of exercise tax on gasohol as defined by this act; and to further provide that for all other purposes the term gasohol shall be included within the term gasoline as defined by Section 40-17-30 of the Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 56. To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Mr. Cook:

S. 57. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

Committee on Judiciary.

By Mr. Cook:

S. 58. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Committee on Governmental Affairs.

By Mr. Cook:

S. 59. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Committee on Judiciary.

By Mr. Cook:

S. 60. To amend Section 31-2-112, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Committee on Governmental Affairs.

By Mr. Cook:

S. 61. To provide that members of the national guard while on state active duty shall be possessed with the same legal authority as a deputy sheriff, including but not limited to all law enforcement powers including powers of arrest.

Committee on Judiciary.

By Mr. Cook:

S. 62. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Committee on Judiciary.

By Mr. Cook:

S. 63. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Committee on Judiciary.

By Mr. Parsons:

S. 64. To provide that any utility company operating in the State of Alabama which retains a customer's deposit must pay such depositor interest at a rate not less than 6% per annum, payable annually. Said interest may be paid by a reduction in the amount of the utility bill if, but only if, such interest credit is itemized on the statement.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Parsons:

S. 65. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Committee on Judiciary.

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By Mr. Keener:

S. 66. To amend Section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to radiation, asbestos, or a chemical substance shall first be deemed to accrue, and to provide retroactive effect.

Committee on Judiciary.

By Mr. Keener:

S. 67. To amend Sections 12-17-142, 12-17-143 and 12-17-147, Code of Alabama 1975, which relate to the supernumerary fund of clerks and registers of the circuit court, so as to: Require that the salary of each supernumerary clerk or register be paid on a biweekly basis; to place the clerks' and registers' supernumerary fund under the management and control of the Administrative Director of Courts of the Administrative Office of Courts; to define the duties and requirements herein imposed on the Administrative Director of Courts with respect to such fund; to provide that the State Treasurer shall invest such fund and report and return interest earned on such fund; to provide that the Chief Executive Officer of the State Retirement Systems shall furnish certain information on interest rates and percentages to said Director; to regulate refunds of contributions and accrued interest thereon in the event service is terminated prior to entitlement of supernumerary status; and to provide for refunds in the event of death of a clerk or register who had assumed supernumerary status in cases where benefits equal to contributions plus accrued interest had not been paid prior to death.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 68. To exempt The Birmingham Festival of Arts Association, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 69. To further provide for and to implement the separation of the legislative, executive, and judicial powers as provided by the Constitution of Alabama with reference to funds appropriated to the use of the legislative, executive, and judicial departments of state government.

Committee on Finance and Taxation.

By Mr. Denton:

S. 70. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Committee on Judiciary.

By Mr. deGraffenried:

S. 72. To amend Section 36-6-11 of the Code of Alabama 1975, relating to the eligibiltiy for veterans' and dependents' educational benefits so as to further provide for the benefits of a widow or child of a deceased veteran.

Committee on Judiciary.

By Mr. deGraffenried:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

Committee on Judiciary.

By Mr. deGraffenried:

S. 74. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Committee on Judiciary.

By Messrs. Higginbotham and Little:

S. 75. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Committee on Judiciary.

By Mr. St. John:

S. 76. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Committee on Finance and Taxation.

By Mr. Keener:

S. 78. To provide that retiring State law enforcement officers of the State of Alabama may keep their pistols and badges, and permit them to carry a pistol on or about their person or in a vehicle.

Committee on Governmental Affairs.

By Messrs. Keener, Robertson, deGraffenried, Teague, Denton, Parsons, Figures, Vacca, Holmes, Hall and Britnell:

S. 79. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Committee on Business and Labor Relations.

By Mr. Vacca:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Committee on Finance and Taxation.

By Mr. St. John:

S. 81. To reopen the Employees' Retirement System of Alabama for prior service for certain members who are precluded from obtaining credit for such service for reasons other than nonmembership, providing that as a prerequisite to such credit members must, on October 1, 1980, be active and contributing members of the Employees' Retirement System of Alabama; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1980.

Committee on Finance and Taxation.

By Mr. Keener:

S. 82. To amend the title and Sections 1, 2, 3, 4, 5, 10 and 11 of Act No. 372, S. 362, Regular Session of 1976, requiring municipalities to provide civil service systems for their law enforcement officers so as to include firefighters under the provisions of said act.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 83. To require that children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Committee on Judiciary.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Britnell:

S. 84. Proposing an amendment to the Constitution of Alabama providing that resolutions shall be restricted to one subject clearly expressed in its title.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Britnell:

S. 85. To prescribe that the members of the House of Representatives and the Senate must pass the general fund budget bill and the special educational trust fund bill no later than the twenty-fifth legislative day or forfeit all legislative pay, in excess of that constitutionally guaranteed, and all expense allowances.

Committee on Rules.

By Mr. Martin:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Committee on Governmental Affairs.

By Mr. Martin:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Committee on Governmental Affairs.

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By Mr. Martin:

S. 88. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

Committee on Governmental Affairs.

By Mr. Martin:

S. 89. To amend the title and section 1 of Act No. 79-611, H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Committee on Finance and Taxation.

By Mr. Martin:

S. 90. To amend Section 35-12-48, Code of Alabama 1975, which provides for the Uniform Disposition of Unclaimed Property Act, so as to remove Technical Schools and Community Colleges from the purview of this Act.

Committee on Finance and Taxation.

By Mr. Martin:

S. 91. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

Committee on Governmental Affairs.

By Mr. St. John:

S. 92. To revise Section 13-5-1, Code of Alabama 1975, so as to provide for forbidding of executive or secret session of certain boards except in certain circumstances; and to provide more stringent penalties for violation.

Committee on Judiciary.

By Mr. Hall:

S. 93. To establish a student assistant program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the

Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Committee on Finance and Taxation.

By Mr. Hall:

S. 94. To require banks, savings and loan associations, financial and other lending institutions to pay interest on escrow accounts at the same rate of interest that they pay on savings or time deposit accounts; to give the superintendent of banks authority to promulgate rules and regulations to enforce the provisions of this act; and to provide for punishment for failure to abide by the provisions of this act or any rule or regulation promulgated hereunder.

Committee on Banking and Insurance.

By Mr. Hall:

S. 95. To amend section 16-13-52 of the Code of Alabama 1975 which relates to the method used to determine teacher ratio and average daily attendance for the purpose of apportioning the minimum program fund, so as to exclude principals of schools from inclusion in the calculations.

Committee on Education.

By Mr. Hall:

S. 96. To amend Section 41-4-134, Code of Alabama 1975, so as to provide for the hiring of in-state printing of public records in certain instances.

Committee on Governmental Affairs.

By Messrs. Mitchem, Smith, Robertson, Teague, Proctor, Goodwin, Denton, Kirkland, deGraffenried, St. John, Holmes, Keener, White, Little, Higginbotham, McDonald, Martin, Weeks, Gullledge, Miller, Figures, Hall, Britnell, Harrison, Parsons and Taylor:

S. 97. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 98. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

Committee on Judiciary.

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By Mr. Mitchem:

S. 99. To amend certain sections of Title 32, Code of Alabama 1975, specifically Section 32-6-1 relating to expiration date of driver licenses on a licensee's birthdate; Section 32-6-8 relating to the issuance of temporary instruction and learner's driver permits by the Department of Public Safety, probate judges, and license commissioners, to provide that a restricted learners license with color photo be issued to applicants age fifteen and above for a term and in similar manner to a regular driver license except that license restriction shall be noted clearly on the license, to provide the period of time such restricted licenses are to be valid, the manner of issuance and of removing the restriction, establish the cost of such restricted licenses, provide a fee for the issuing authority; and Section 32-6-15 relating to the issuance of duplicate licenses, to provide the manner of issuance, set issuance fee and to provide for the distribution of fee.

Committee on Judiciary.

By Mr. Keener:

S. 100. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Committee on Education.

By Messrs. Vacca and Barron:

S. 101. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 102. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

Committee on Finance and Taxation.

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By Mr. deGraffenried:

S. 104. To further amend Section 15-5-8 of the Code of Alabama, 1975, as amended, which section relates to when a search warrant may be executed so as to allow a search warrant to be executed at any time day or night unless restricted.

Committee on Judiciary.

By Messrs. deGraffenried, Keener, St. John and Proctor:

S. 105. The purpose of this bill is to amend §41-13-21, Code of Alabama 1975, providing for the determination by the state records commission of those state records which may be destroyed and those which must be preserved; to provide that records of the courts within the unified judicial system may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the supreme court; to further provide that any retention schedules pertaining to court records previously adopted pursuant to law shall be superseded with respect to such records by any retention schedule which may subsequently be prescribed by rule of the supreme court; and to provide for the repeal of all provisions of law in conflict with this act.

Committee on Governmental Affairs.

By Mr. Cook:

S. 106. To authorize, regulate and provide for the payment of compensation by the State of Alabama to the surviving dependents of elected officials of the state, counties and municipalities who are killed or whose death results from a criminal act while engaged in the performance of their duties; to authorize, regulate and provide for the payment of compensation by the State of Alabama to elected officials of the state, counties and municipalities who become totally disabled as a result of a criminal act as a consequence of the performance of their duties; to define terms; to designate the state board of adjustment as the state agency or awarding authority to hear, determine and order the payment of claims for compensation hereunder; to make an appropriation for the payment of awards of compensation

Committee on Finance and Taxation.

By Mr. Cook:

S. 107. To repeal any laws expressly or impliedly sanctioning any deductions from penitentiary and hard labor sentences automatically made and without exceptionally good behavior and industriousness by the inmate.

Committee on Judiciary.

By Mr. Cook:

S. 108. To amend §39-2-2 of the Code of Alabama 1975 to require competitive bidding on any contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

Committee on Governmental Affairs.

Mr. Teague:

S. 109. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

Committee on Finance and Taxation.

By Mr. Teague:

S. 110. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Committee on Judiciary.

By Mr. Teague:

S. 111. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 112. To establish the Alabama State Register of Rules and Regulations; to require that all rules and regulations issued by certain state agencies be filed with the Secretary of State and be subject to public inspection; and to make null and void any rule or regulation not filed in compliance with this Act.

Committee on Governmental Affairs.

By Mr. Weeks:

S. 113. Providing that any municipality with a population of 12,000 and above (classes 1, 2, 3, 4, 5 and 6 as established by the act that H.B. 68, 1979 Regular Session will become), may legalize the sale or consumption of alcoholic beverages within corporate limits without regard as to whether the sale or consumption of alcoholic beverages is prohibited on a county-wide basis.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 114. To amend Section 40-23-4 and Section 40-23-62, Code of Alabama 1975, which provide for certain tax exemptions so as to exempt certain solar energy devices.

Committee on Finance and Taxation.

By Mr. Little:

S. 115. To provide for a guaranteed minimum starting wage or salary for all county, municipal, or political subdivision law enforcement officers of this state; to provide for the enforcement of the provisions of this Act; and to prescribe penalties for any member of a governing body which fails or refuses to comply with the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Little:

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Committee on Judiciary.

By Mr. Little:

S. 117. This Act, which shall be known as the Alabama Sale of Fine Prints Act, establishes requirements for the selling of and offering for sale limited edition art objects; provides for detailed information concerning such objects to accompany each individual purchase; provides for certain proof of purchase information to accompany each receipt or invoice upon the sale of an item, and provides for penalties in violation of these requirements, a statute of limitations in bringing an action under this act, and for reasonable attorneys' fees.

Committee on Finance and Taxation.

By Mr. Little:

S. 118. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Committee on Governmental Affairs.

By Mr. Little:

S. 119. To provide the State Department of Pensions and Security with additional income from State income tax refunds designated by taxpayers to be paid to the State Department of Pensions and Security for the purpose of relieving persons in this State from the distress of poverty, to promote selfcare, enlarge their economic opportunities, and to stimulate persons to greater efforts in helping themselves to become self-supporting, to provide protective services and foster care to children and adults who are in danger of abuse of exploitation and for other welfare purposes.

Committee on Finance and Taxation.

By Mr. Little:

S. 120. To amend further Section 16-13-52 of the Code of Alabama 1975 relating to apportionment of the public school minimum program fund so as to change the method of determining the number of teacher units for the purpose of apportioning such fund.

Committee on Education.

By Mr. Little:

S. 121. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Committee on Judiciary.

By Mr. Proctor:

S. 122. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4,

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22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Committee on Health and Welfare.

By Mr. Proctor (with notice and proof):

S. 123. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Talladega County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 123, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Proctor:

S. 124. To provide that any annually appropriated funds allocated to local boards of education and institutions of higher learning may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 125. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

Committee on Judiciary.

By Mr. Higginbotham:

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

Committee on Judiciary.

By Mr. Higginbotham:

S. 127. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

Committee on Judiciary.

By Mr. Higginbotham:

S. 128. Establishing, providing for appointment to and operation of a Board of X-Ray Technologists; to provide for educational standards for X-Ray Technologists; to provide for examination and licensing of and annulment, revocation, or suspension of licenses of X-Ray Technologists; providing for the enforcement of this Act; providing for and prescribing penalties and fees.

Committee on Health and Welfare.

By Mr. Weeks (with notice and proof):

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 129, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Weeks (with notice and proof):

S. 130. Relating to Macon County; to provide further compensation for the clerk and members of the jury commission, payable from the county general fund; and providing retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 130, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Weeks (with notice and proof):

S. 131. Relating to Macon County; to provide an expense allowance to the members of the county commission, payable from the county treasury.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 131, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Weeks (with notice and proof):

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 132, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Bailey:

S. 133. To amend § 27-2-16, Code of Alabama 1975 so as to repeal a requirement the Commissioner of Insurance publish an annual list of insurance agents and insurers.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 134. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 135. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 136. To amend §27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 137. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 138. To establish standards for the collection, use and disclosure of information gathered by insurers in connection with insurance transactions; to provide for a balance between the need for information by those insurers conducting the business of insurance and the public's need for fairness in insurance information practices; to provide means whereby insured natural persons may ascertain what information has been or is being collected about

them in connection with insurance transactions; to provide all insureds with access to all such information collected about them for the purpose of verifying or correcting inaccuracies in such information; to limit the disclosure of information collected in connection with insurance transactions; to enable insurance applicants to obtain the reasons for any adverse underwriting decision by an insurer; to provide for enforcement of the Act by the Department of Insurance; to provide for judicial review of Orders of the Commissioner issued pursuant to the Act; to provide for Cease and Desist Orders to enforce the Act; to provide penalties for violations of the Act; and to provide an effective date of June 1, 1981.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 140. To amend § 27-12-7, Code of Alabama 1975 willfully making false statements, under oath, required under the Alabama Insurance Code a felony. To allow venue to be Montgomery County when the statement is required to be filed with the Commissioner of Insurance.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 141. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 142. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 143. To amend Sections 27-2-21, and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 144. To amend the Uniform Standards Code of Mobile Homes Act codified into Sections 24-5-1 to 24-5-15, Code of Alabama 1975 to set up standards identical to those standards for mobile homes set up by the Federal Government.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 145. To amend Code of Alabama 1975, § 14-9-20 through § 14-9-25 (1979 Cum. Supp.) (which authorizes incentive good time deductions from the sentences of exceptional inmates) to make it applicable to inmates serving sentences for misdemeanor convictions; to provide that insofar as it applies to inmates serving sentences for misdemeanor convictions it shall be administered and applied by the sheriff, chief of police, or other official or agency having custody of the inmate; to describe the inmates to whom this Act applies; to provide that the Act is not retroactive and that its parts are not severable; to provide that this Act shall not become effective unless legislation is enacted during this session which repeals Code of Alabama 1975, § 14-9-1 through § 14-9-2 (which provides certain good time sentence deductions for certain misdemeanor and felony inmates); to repeal all conflicting laws; and to provide an effective date.

Committee on Judiciary.

By Mr. Bailey:

S. 146. To provide for the repeal of Code of Alabama 1975, §§ 14-9-1 through 14-9-2, inclusive (which provide for certain deductions from prison and jail sentences for good behavior and which authorize the restoration of forfeited deductions).

Committee on Judiciary.

By Mr. Bailey:

S. 147. To provide that any inmate who escapes or attempts to escape from any corrections or detention facility or program or custody must forfeit all sentence commutation time earned or granted prior to the escape or attempt to escape; to provide that such forfeited sentence commutation time shall not be restored or remitted; to provide that such forfeiture shall be independent of and in addition to any criminal proceeding related to the escape or attempt to escape; to describe the sentence commutation time and escapes or attempts to escape to which this Act applies; to describe the purpose of this Act; to define "escape or attempt to escape," "inmate," and "sentence commutation time"; to repeal any and all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Judiciary.

By Mr. Bailey:

S. 148. To prohibit pyramid sales transactions and to specify penalties for violations thereof.

Committee on Judiciary.

By Mr. Bailey:

S. 149. To establish the purpose and procedures for the distribution and use of the Funds to Replace Fees provided in the annual Appropriation of money from the Alabama Special Educational Trust Fund. Further, to state the legislature's intent to eliminate required fees, to regulate remaining fees, and to permit voluntary fund-raising activities.

Committee on Finance and Taxation.

By Mr. Miller:

S. 150. To amend Section 13-5-1, Code of Alabama 1975, which provides for executive or secret sessions of certain public bodies, so as to forbid closed, secret or executive meetings except in certain circumstances; to require verbatim minutes of secret meetings and to allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to declare actions taken at such meetings void; and to provide criminal penalties and a civil remedy for violations hereof.

Committee on Judiciary.

By Mr. Hall:

S. 151. To amend Section 16-8-26, Code of Alabama, 1975, to provide that personal leave days funded by the Alabama Special Educational Trust Fund shall be granted upon request of the teacher under procedures governing sick leave.

Committee on Education.

By Mr. Harrison:

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 153. To amend Section 38-7-2, Code of Alabama 1975, which provides for the Child Care Act of 1971, so as to exempt certain church related facilities and programs from the provisions of said act.

Committee on Health and Welfare.

By Mr. Harrison:

S. 154. To require the testing of certain students in public schools for idiopathic scoliosis.

Committee on Health and Welfare.

By Mr. Harrison:

S. 155. To amend Section 5-19-11 of the Code of Alabama 1975 so as to clarify the remedy provided therein for violation of the Alabama Consumer Credit Act of 1971, or "Mini-Code: (Acts 1971, p. 3290), relative to dismissal of any action on any debt for collection at the cost of the plaintiff."

Committee on Judiciary.

By Mr. Harrison:

S. 156. To amend section 22-8-4 of the Code of Alabama 1975 relating to consent of minors for medical services, so as to provide that no abortion

may be given to an unmarried person under 19 years of age without parental consent unless the pregnancy was caused by rape or would result in danger to the life of the mother.

Committee on Judiciary.

By Mr. Harrison:

S. 157. To amend section 36-27-41, Code of Alabama 1975, to provide for the reopening of the employees' retirement system so as to allow certain members to repay on or before October 1, 1981, any contributions previously withdrawn plus interest.

Committee on Finance Taxation.

By Mr. Harrison:

S. 158. To amend section 36-27-41, Code of Alabama 1975, to provide for the reopening of the employees' retirement system so as to provide membership credit under certain circumstances for up to four years military service.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 159. To require that all nonresident aliens or corporations or other business entities who own securities, stocks or land must annually report certain basic information to the secretary of state and prescribing penalty for enforcement.

Committee on Judiciary.

By Mr. Harrison:

S. 160. To amend section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

Committee on Judiciary.

By Mr. Harrison:

S. 161. To provide that any person who uses a firearm in the Commission or attempted commission of a felonious offense, and who is convicted of such offense, shall be denied eligibility for the "good time" commutation of sentencing as is provided by Sections 14-9-20 through 14-9-25, Code of Alabama 1975, as amended.

Committee on Judiciary.

By Mr. Harrison:

S. 162. To provide that persons convicted three times for the illegal or unauthorized sale or distribution of drugs or controlled substances which is punishable as a felony under the criminal laws of this state shall be imprisoned for natural life without benefit of parole, probation, suspension of sentence, or credit for good behavior; and to provide that the provisions of this Act shall apply exclusively where the offense is also punishable under other provisions of law.

Committee on Judiciary.

By Messrs. Harrison, Barron and Robertson:

S. 163. To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Messrs. Harrison and Robertson:

S. 164. To amend Section 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Messrs. Harrison and Robertson:

S. 165. To provide for the indictment and the joint trial of criminal defendants.

Committee on Judiciary.

By Mr. Gullledge:

S. 166. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

Committee on Banking and Insurance.

By Mr. Figures:

S. 167. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

Committee on Judiciary.

By Mr. Figures:

S. 168. To amend Section 6-10-123 of the Code of Alabama 1975 to provide that for any waiver of exemption rights to be enforceable, the party asserting waiver must plead and, if controverted, prove to the reasonable satisfaction of the trier of fact that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

Committee on Judiciary.

By Mr. Britnell:

S. 169. To amend Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which Act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties," and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such accumulated sick leave to their respective county retirement systems if available.

Committee on Governmental Affairs.

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By Messrs. Barron, Robertson, Martin, Keener, Harrison, Denton, Little, Proctor, Hall, Kirkland and Mitchem:

S. 170. To provide that the State of Alabama shall provide liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Committee on Finance and Taxation.

By Messrs. Barron, Robertson, Martin, Holmes, Harrison, Little, Denton, Proctor, Hall and Kirkland:

S. 171. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the Board of Control of the State Employees' Retirement System so as to restructure said board to provide further for membership on the board of members of the system.

Committee on Governmental Affairs.

By Messrs. Barron, Robertson, Martin, Keener, Holmes, Harrison, Little, Denton, Proctor, Hall and Kirkland:

S. 172. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 173. To amend sections 2-5-4 of the Code of Alabama 1975 relating to the administrator of the farmers' market authority, so as to provide that his salary shall be set by the authority.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Callahan:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

Committee on Judiciary.

By Mr. Callahan:

S. 175. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to determine teacher units on the basis of "Average Daily Membership".

Committee on Education.

By Mr. Callahan:

S. 176. To amend Title 16, Section 13, Subsection 1 of the Code of Alabama, 1975 so as to change the fiscal year for all boards of education.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 177. To amend section 40-8-1 of the Code of Alabama 1975, related to the assessment rate for ad valorem taxes, so as to redefine residential property.

Committee on Finance and Taxation.

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By Mr. Callahan:

S. 178. To amend Section 16-13-1 of the Code of Alabama 1975, which sets the fiscal year for all boards of education, so as to change the dates of said fiscal year.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 179. To amend Section 16-13-146, Code of Alabama 1975, which limits the amount of interest to 6% per year on loans made by county and city boards of education, so as to raise this amount to 10% per year.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 180. To conditionally appropriate ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$1,500,000.00) Dollars from the Special Education Trust Fund for the purpose of establishing an educational television studio in Mobile County.

Committee on Finance and Taxation.

By Mr. Glass:

S. 181. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Committee on Education.

By Mr. Harrison:

S. 182. To amend Section 14-11-8, Code of Alabama 1975, which provides for introduction into or possession in penal institutions of drugs so as to make the introduction of marijuana a felony.

Committee on Judiciary.

By Messrs. Harrison and Robertson:

S. 183. To provide that two or more offenses may be joined in an indictment, information or complaint and that said offenses may be tried together.

Committee on Judiciary.

By Messrs. Proctor, Martin, Taylor, Bailey, Vacca, Holmes, Denton, Figures, Kirkland and Gulledge:

S. 184. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain

(subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Barron and Harrison:

S. 185. To levy a tax upon certain dog racing proceeds to be paid into the general fund.

Committee on Finance and Taxation.

By Mr. Little:

S. 186. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

Committee on Judiciary.

By Mr. Little:

S. 187. To establish appropriate procedures for administering the funds appropriated from the Alabama Special Educational Trust Fund for Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers

Committee on Education.

RESOLUTION

Messrs. St. John, Robertson, deGraffenried, Callahan, Goodwin, White, Proctor, Bailey, Barron, Britnell, Clemon, Cook, Denton, Figures, Glass, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Smith, Taylor, Teague, Vacca and Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. INVITING COACH PAUL W. BRYANT TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, during the past two decades, the State of Alabama has become the undisputed giant of college football, almost entirely due to the outstanding leadership and coaching genius of Coach Paul William "Bear" Bryant; and

WHEREAS, Coach Bryant, during his tenure at the University of Alabama, has no doubt established and compiled more records than any other coach in the entire history of the game; and

WHEREAS, numbered among his accomplishments are: Winner of the most games during a 10-year period, 21 consecutive bowl appearances at Alabama, more wins than any other living coach, 19 Alabama teams in the nation's top ten, and he is now riding the nation's longest winning streak; Coach Bryant also is the winner of more national titles than any other coach, he is National Coach of the Decade for the 1970's, he has been Coach of the Year more times than any other, he is Southeastern Conference Coach of the Century and is the only coach ever to win two back-to-back national championships; and

WHEREAS, the 1979 Crimson Tide's twelve big wins raised the number of Alabama victories in the past 10 years to 103, making the Tide the first ever to win 100 or more games in a decade; and

WHEREAS, with 296 career victories now to his credit, Coach Bryant is just nineteen wins away from breaking Amos Alonzo Stagg's all-time record to become the winningest coach in the history of football, a record which true Tide and "Bear" fans expect never again to be broken; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request Coach Paul "Bear" Bryant to address a joint session of the Legislature at his earliest possible convenience.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to inform Coach Bryant, by copy of this resolution, of our invitation and that we hopefully await his acceptance.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, February 5, 1980, they adjourn to meet again on Thursday, February 7, 1980; when they adjourn on Thursday, February 7, they adjourn to meet again on Tuesday, February 12, 1980; when they adjourn on Tuesday February 12, they adjourn to meet again on Thursday, February 14, 1980; when they adjourn on Thursday, February 14, they adjourn to meet again on Tuesday, February 19, 1980; and when they adjourn on Tuesday, February 19, they adjourn to meet again on Thursday, February 21, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Rules were suspended and the Resolution, H. J. R. 4., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives Zoghby, Stout and Grouby.

JOHN PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 2., set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Representative Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 5, 1980 for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Representatives Campbell, Sandusky and Moore.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 3., set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 816, Regular Session 1979, the report of the Joint Interim Committee to study the rising costs of Medicaid to the State of Alabama was filed with the Secretary.

RESOLUTIONS

Messrs. deGraffenried, Robertson, St. John, Cook, and Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. COMMENDING THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE, NATIONAL FOOTBALL CHAMPIONS, 1979.

WHEREAS, back-to-back National Champions, the Alabama Crimson Tide, made a clean sweep in 1979—voted Number One in the United Press International and Associated Press final college football polls, named as the recipient of both the Grantland Rice and the McArthur Bowl awards and, most recently, of the annual Hertz Number One Award; they also have been declared national champions by a host of other voting group; and

WHEREAS, going into the 46th annual Sugar Bowl Classic, ranked first by UPI and second in the AP poll, just 1 1/2 points behind Ohio State, the Tide clinched their titles by soundly trouncing the powerful University of Arkansas Razorbacks, 24-9, a convincing nationally-televised win and Bama's first tiem ever to play twelve undefeated games in one season; and

WHEREAS, its winning streak now stretched to twenty-one straight, currently the longest of all major college teams in the nation, the University of Alabama basks in the glory of being the consensus 1979 College Football Champions, a goal realized through Bama's traditional dedication to team work and a big tough of "Class" so designated by Coach Paul "Bear" Bryant as unique to championship; and

WHEREAS, the Crimson Tide wears its Crown proudly which, almost unbelievably, is its sixth National Championship since that first one in sixty-one under Coach Bryant; and

WHEREAS, even as they share the fame, the Tide also shares credit for victory with outstanding performances by all its players, all season long; Bama's offense put 383 points on the board while its awesome defense held opponents to a miserly 67 total for the year including five absolute shut-outs, and this season's unblemished record raised the number of Alabama victories in the past ten years to 103, the only team in college football history to win 100 or more games over the period of a decade; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most proudly praise and commend the Crimson Tide of the University of Alabama on both its magnificent 1979 season and, above all, on its National Football Championships.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Paul Bryant, to each of his distinguished assistant coaches, and to all members of the 1979 Championship team as evidence of our esteem, and in recognition and appreciation of the fame and high honor they each have brought to the entire State of Alabama.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson, deGraffenried, and Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. HONORING COLONEL JOHN T. SULLIVAN UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

WHEREAS, the Legislature of Alabama has noted the announced retirement of Colonel John T. Sullivan of Tuscaloosa, Alabama, after a prestigious military career spanning a period of 36 years; and

WHEREAS, following his 1942 graduation from Tuscaloosa High School, John Sullivan enlisted in the United States Marine Corps and was soon selected for Marine aviation; during World War II, he served on 68 combat missions in the South Pacific areas of New Britain, Bougainville, New Ireland and New Georgia; and

WHEREAS, discharged in 1945, he returned to Tuscaloosa and entered the University of Alabama, joining advanced ROTC and graduating in 1947, commissioned as a second lieutenant in the infantry of the U. S. Army Reserve; he was called to active duty during the Korean Conflict, serving until 1952, and then worked for some two years with the B. F. Goodrich Company in Tuscaloosa, numbering among his coworkers and friends "Big Ed" Robertson, our colleague in the Alabama Senate; and

WHEREAS, since 1953, John Sullivan has been associated with the Alabama National Guard; he was promoted to the rank of Colonel in 1975, serving at retirement as deputy commander of the 31st Separate Armored

Brigade and as full time command administrative assistant of the brigade which has approximately one-fourth of all Alabama Army National Guardsmen under its supervision and command; and

WHEREAS, Colonel Sullivan's duties and responsibilities have been both numerous and varied during his guard career, as units are called into service on occasions of natural disasters, civil disturbances and other emergencies; in the past 27 years, activations have occurred as the result of school integration orders, civil rights marches and demonstrations as well as tornadoes, floods and many other disasters and emergencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Colonel John T. Sullivan upon his retirement from the military and sincerely wish him well in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Colonel Sullivan that he may know of our warm best wishes, congratulations and high praise.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1980 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the direction of the United States Congress during the next three years is of utmost importance to the members of the Legislature of Alabama and to all citizens of our State; and

WHEREAS, among many areas of direct bearing on our State is the planned use of federal funds in Alabama which would substantially affect our appropriation and utilization of state revenues; and

WHEREAS, cooperation between the Congress and our State legislature is not only desirable, but is vitally necessary for maximum achievement by this body in the best interest of the State of Alabama and its citizenry; and

WHEREAS, our representatives in Washington, with insight and understanding of the problems facing our nation, the Southeast and our State, are in a position to advise and inform that we might better and more wisely assume the leadership for which we were elected for the next four years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request the Alabama Congressional Delegation to attend and address the 1980 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby requested to inform our representatives in Washington, by copies of this resolution, of our invitation, and of our respectful request that, following conference among themselves, we be notified as to when they will be available to speak.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 6. HONORING MR. JOHNNIE SMITH OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Rules were suspended and the Resolution, H. J. R. 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. CONGRATULATING AND COMMENDING THE GOSHEN HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

WHEREAS, the Goshen High School Eagles enjoyed an outstanding 1979 football season, 8-2 in regular season play and 9-2 overall following their participation in the prestigious Lions' Bowl, the oldest high school bowl game in the State of Alabama; and

WHEREAS, participants for the Lions' Bowl are selected by committee, based on season records, and all proceeds are allocated for the Lions' Sight Conservation Program; the 1979 championship game held on November 11, 1979, was the series' 25th year with the Goshen High School Eagles claiming the crown by virtue of their 15-13 win over Louisville High; and

WHEREAS, the Goshen Eagles captured the championship under the talented leadership of Head Coach Bob Booth and his assistants, Travis Johnson, Calvin Griffin and Mike Edwards, all of whom are deserving of much credit as are each and every member of the team contributing to such a successful season and to the post-season bowl victory; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Coach Bob Booth and his assistants, and all members of the Lions' Bowl Championship team, for outstanding accomplishments on the gridiron in 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal James Gibson for appropriate school display with a copy also provided for Coach Booth and his assistants on behalf of their team.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. COMMENDING THE UNIVERSITY OF MONTEVALLO PHYSICAL EDUCATION CLUB FOR THEIR EFFORTS IN BEHALF OF SPECIAL OLYMPICS.

WHEREAS, the University of Montevallo Majors Club was the recipient of the Willis J. Baughman Award which is presented annually to the outstanding majors club in the state; and

WHEREAS, since 1972, the Physical Education Club of the University of Montevallo has hosted Special Olympics, District 10, consisting of five counties: Bibb, Shelby, St. Clair, Chilton and Coosa Counties; and

WHEREAS, the Physical Education Club has organized, kept records, served on all committees and officiated all events; and

WHEREAS, University of Montevallo personnel have worked with all teachers in the counties to make it a success for five to eight hundred participants each year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Dr. Miriam Collins, Dr. Frank Lightfoot, Dr. Margaret Blalock and Dr. Ward Tishler for their dedication and their many hours of service in behalf of hundreds of students; we further commend Student Coordinator, Ms. Anne Dawson, whose contributions are recognized not only at the local level, but on the state and national levels as well, with commendations also extended to the UM Physical Education Club president, Ms. Tammy Richardson, and to the other officers of the Club.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the above named individuals that they may know of our sincere praise and of our appreciation for their efforts in behalf of Special Olympics.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Callahan, Barron, Harrison, and Taylor offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. OPPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, ON ABORTIONS.

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973, and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama, 1979 Regular Session, applies to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development.

BE IT FURTHER RESOLVED, that this application shall constitute a continuing application for such a convention pursuant to Article V of the

Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

BE IT FURTHER RESOLVED, that copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from Alabama attesting the adoption of this concurrent resolution by the 1979 Regular Session of the Legislature of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. CALLING ON THE UNIVERSITY OF ALABAMA AND AUBURN UNIVERSITY TO MEET THE UNIVERSITY OF SOUTH ALABAMA AND THE UNIVERSITY OF ALABAMA IN BIRMINGHAM IN A PRE-SEASON TOURNAMENT.

WHEREAS, the State of Alabama has been recognized for excellence in all fields of university sports, and

WHEREAS, the University of Alabama's Basketball team under the direction of Coach C.M. Newton currently has a record of 12 wins and 8 losses, two of those wins being over the second and fourth-ranked teams in the nation, and

WHEREAS, the Auburn University Basketball team has a tradition of excellence under the guidance of Coach Sonny Smith, and

WHEREAS, the University of South Alabama's Basketball team, directed by Coach Cliff Ellis, has achieved 17 wins against only 4 losses this season, one of those losses coming at the hands of nationally ranked University of Louisville in Louisville, and is currently in second place in the Sunbelt Conference with 10 wins and 2 losses, and

WHEREAS, the University of Alabama in Birmingham in only its second basketball season ever has an astounding 14 wins—6 losses record, one of these being DePaul, the top-ranked team in the nation, and under Coach Gene Bartow's supervision, the team is currently in first place in the Sunbelt Conference with 8 wins and only 1 loss,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that the aforementioned state universities schedule a pre-season tournament at a mutually agreeable site for the purpose of improving the sport of basketball within the state, for providing a means of comparison between the Southeastern and Sunbelt Conferences and to assure the thousands of fans of all schools involved the highest quality spectator sports possible within the state. The proceeds from this tournament shall be split equally among the four schools.

Which was read and referred to the Standing Committee on Rules.

Under the provisions of Senate Rule 55, Mr. White requested that the objections of Messrs. deGraffenried, Miller, Figures, Harrison, and Little be recorded in the Journal.

Mr. Teague offered the following Senate Resolution, to-wit:

S. R. 11. NOTING THE OCCASION OF SENATOR EARL GOODWIN'S BIRTHDAY.

Which was adopted.

Messrs. Harrison and Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. DESIGNATING THE PARAMOUNT THEATRE IN MONTGOMERY, ALABAMA, AS OUR STATE'S OFFICIAL THEATRE FOR THE PERFORMING ARTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Paramount Theatre in our capital city of Montgomery, Alabama, is hereby designated as the "State Theatre for the Performing Arts."

BE IT FURTHER RESOLVED, That appropriate signs and markers be erected and maintained so designating said theatre as the "State Theatre for the Performing Arts."

Which was read and referred to the Standing Committee on Rules.

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. REQUESTING THAT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM INSTITUTE A STUDY TO DETERMINE THE FEASIBILITY OF PROVIDING A LAW SCHOOL IN THE BIRMINGHAM AREA TO OFFER NIGHT COURSES FOR INTERESTED STUDENTS.

WHEREAS, there are many citizens in the Birmingham area of our state who are virtually denied the pursuit of a degree in Law as, by necessity, they must work during daytime hours, and there is no affordable state institution offering an accredited course during the evening hours; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the University of Alabama in Birmingham institute a study to determine the feasibility of providing a law school in the Birmingham area offering night courses to those students interested in the pursuit of a degree in Law.

BE IT FURTHER RESOLVED, That the University of Alabama in Birmingham authorities, following a thorough study and investigation into such a proposal, report their facts, findings and recommendations to the Legislature that we may then act upon said recommendations.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the president of the University of Alabama in Birmingham that he and his staff may begin said study at the earliest possible date.

Which was read and referred to the Standing Committee on Rules.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. URGING OPPOSITION AND DEFEAT OF S. 1936 AND H. R. 5823 NOW PENDING IN CONGRESS.

WHEREAS, S. 1936, authored by Senator Ted Kennedy, and its House version, H. R. 5823, introduced by Representative Peter Rodino, are companion bills which, if enacted, would immediately outlaw an estimated 75% of all handguns now in private ownership, and 50% of all handguns currently being produced, by prohibiting the manufacture, importation or any sale or transfer, including inheritance, of any handgun not conforming to specified technical criteria; and

WHEREAS, this insidious legislation would grant vast regulatory powers to a Presidentially controlled committee of political appointees by circumventing Congressional and state refusal to ban all handguns thereby potentially abolishing lawful private possession within just one generation; and

WHEREAS, the Kennedy-Rodino anti-gun bill, by establishing exceptions, would eliminate the existing mandatory sentence for committing a rape, robbery or murder with a gun and would, further, expose millions of honest, well-meaning citizens to the risk of felony prosecution for technical infractions because of the merry-go-round confusion of regulatory criteria authorized by the bill; and

WHEREAS, succinctly stated, the authors of S. 1936/H. B. 5823 "desire not regulation but abolition . . .", a conclusion made obvious by numerous provisions which might well become the means whereby handgun prohibition ultimately would be achieved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the current administration and the members of the United States Congress to work toward a sound defeat of the Kennedy-Rodino bill, obvious anti-gun legislation disguised as regulatory within the confusion, chaos and clutter of S. 1936/H. B. 5823 now before Congress.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to President Carter, Vice President Mondale, to the presiding officers of the United States Senate and House of Representatives and to each member of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Kirkland, the rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland then offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. URGING SUPPORT AND PASSAGE OF H. R. 5225 AND S. 1862 NOW PENDING IN CONGRESS.

WHEREAS, according to a recent survey by the Institute of Legislative Action, almost 95% of those polled expressed vehement opposition to the infamous "Gun Control Act of 1968"; and

WHEREAS, as this survey reveals, the American public also is almost 100% against a ban on handguns, is unequivocally against federal firearms regulation and of the vast majority opinion that additional firearms laws will not reduce violent crime; the survey indicates instead that some 95% favor mandatory increased sentences for the use of a firearm in a crime of violence; and

WHEREAS, Representative Harold Volkmer and Senator James McClure have introduced H. R. 5225 and S. 1862, respectively, which, if passed, would serve to correct the civil liberties abuses caused by the provisions of "GCA '68" and also would eliminate the requirement to maintain voluminous ammunition records which serve no useful law enforcement purposes; and

WHEREAS, known as the "Federal Firearms Law Reform Act of 1979," H. R. 5225/S.1862, if enacted, would allow law-abiding citizens, not prohibited from purchasing firearms by their home states, to do so in any of the fifty United States, as long as no state laws are violated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge both the President and the Congress of the United States to support passage of H. R. 5225 and S. 1862, which legislation would allow law-abiding citizens of the United States to purchase and acquire firearms as guaranteed by the Constitution of these United States of America.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to forward copies of this resolution to the President and Vice President, to both houses of Congress and to each member of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 10. PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the constitutional amendments proposed by the following acts of the 1979 Regular Session of the legislature is ordered to be held on March 11, 1980, the date of the presidential primary election: Act No. 79-541, S. 142; Act No. 79-337, H. 959; Act No. 79-485, H. 653; Act No. 79-330, H. 286; Act No. 79-121, H. 185; Act No. 79-459, H. 495; Act No. 79-329, H. 620; Act No. 79-331, S. 537; Act No. 79-333, H. 916.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 10, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT CARTER'S ACTIONS WITH REGARD TO THE IRANIAN CRISIS.

WHEREAS, it is the consensus of the Alabama Legislature that all Americans must stand united in support of our President during this present time of unprecedented crisis brought upon our state and nation by the seizure of some 50 American citizens held hostage by terrorists in Iran; and

WHEREAS, in violation of all international law and sense of morality, these Americans are now in their fourth month of captivity at the hands of the lawless and with the obvious support and approval of the Ayatollah Khomeini, unmistakably an irrational degenerate who defies all attempts at understanding; and

WHEREAS, though moved to rage and thoughts of immediate retaliation, we also know that the safety of our fellow Americans must first be considered and that actions by the administration have necessarily been taken with this thought foremost in mind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our full support of President Carter with regard to actions taken against Iran; we further join the administration in assigning to the government of Iran full responsibility for the safety of the American hostages and for their immediate release from captivity.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched to President Carter that he may be advised of the Alabama Legislature's supportive concurrence in his concern first for the safety of the American hostages in Iran and for the safety at all times of all American citizens throughout the world.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 9, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 11. URGING THE STATE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN THE STATE OF ALABAMA TO PROSECUTE TO THE FULLEST EXTENT OF THE LAW ALL CASES OF WELFARE, MEDICAID, OLD AGE PENSION FRAUD AND ABUSE.

WHEREAS, the well-being of our young and our aged, our sick and disabled, has been severely threatened by announced intentions to drastically reduce and soon to eliminate the vital programs of the Department of Pensions and Security, and Medicaid, that are designed to aid and comfort the helpless of our state who, through no fault of their own, are unable to provide for themselves; and

WHEREAS, while acknowledging that these programs are in jeopardy because of a severe shortage of funds and presently insufficient revenues, we also are cognizant that there are those that have misused and abused said programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge an exhaustive search of each and every suspected case of welfare, medicaid, old age pension fraud and abuse, not only on the part of individual recipients of such aid, but of nursing home officials, doctors and pharmacists, as well; when evidence of such fraud proves to be the case, we further hereby call upon our state's Attorney General and all district attorneys to prosecute to the fullest extent of the law.

BE IT FURTHER RESOLVED, That copies of this resolution be distributed to Attorney General Graddick and to all district attorneys in the State of Alabama that they may forthwith comply with this request.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 11, set out in the foregoing Message from the House, was read and referred to the Standing Committee of Rules.

MOTION TO RECONSIDER

Mr. Callahan moved that the Senate reconsider the vote by which the Resolution, H. J. R. 4, was concurred in and adopted, which motion was adopted, and the Senate did reconsider said vote.

On motion of Mr. Callahan, further consideration of the Resolution was postponed temporarily.

RESOLUTIONS

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. COMMENDING MR. PRENTISS BAUGHMAN OF BALDWIN COUNTY, ALABAMA, FOR OUTSTANDING PERFORMANCE OF DUTY.

WHEREAS, it is to be noted that much of the successful and continuing recovery of Baldwin County, Alabama, following Hurricane Frederic must be attributed to the efforts of Mr. Prentiss Baughman, Civil Defense Director for his county; and

WHEREAS, working closely with County Commissioner Jerry Boyington and other commission members, Mr. Baughman was instrumental in keeping a vital pre-storm watch and in issuing advisory bulletins throughout the storm; and

WHEREAS, Prentiss Baughman, in his capacity as director of civil defense operations, helped man the Civil Defense, E.O.C. Office 24 hours a day; he further co-directed and coordinated local efforts with both state and national agencies and helped direct Emergency Volunteer Rescue Units throughout the county; and

WHEREAS, immediately following the hurricane, Director Baughman began the task of a massive clean-up program for the affected area, an awesome responsibility which yet continues throughout Baldwin County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Prentiss Baughman of Baldwin County, Alabama, for outstanding performance of duty; we further laud the extraordinarily professional manner in which he conducted his responsibilities and the enviable efficiency that has so greatly contributed to the recovery of Baldwin County.

BE IT FURTHER RESOLVED, That Mr. Baughman receive a copy of this resolution that he may know of our warm praise and of our deep appreciation and esteem.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gulledge then offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO BALDWIN COUNTY COMMISSIONER JAMES J. BOYINGTON.

WHEREAS, in its desire to recognize outstanding service to others by citizens of this state, the Legislature of Alabama notes with gratitude the ceaseless and creditable efforts of James J. "Jerry" Boyington in connection with the onslaught of Hurricane Frederic on Alabama's coastal area; and

WHEREAS, Jerry Boyington, Baldwin County Commissioner in charge of Civil Defense, began a careful watch on Hurricane Frederic as soon as it became apparent that the storm's location in the Gulf of Mexico was a decided threat to the area; and

WHEREAS, following notification of all emergency units and organizations, contact was maintained with both the National Weather Bureau in Mobile and the National Hurricane Center in Miami; total evacuation was effected on September 10 and, until September 18, Commissioner Boyington, along with Civil Defense Director Prentiss Baughman and fellow Commissioners Harold Bryars, William Cooper and Neil Lauder, staffed the Civil Defense, E.O.C. Office 24 hours a day; and

WHEREAS, he further helped in coordinating local efforts with all state and national agencies, maintained citizen contact by means of news releases throughout the storm and also helped supervise and coordinate the Baldwin County clean-up program immediately following the storm, a momentous task which continues even today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Commissioner James J. Boyington for his outstanding efforts on behalf of Baldwin County and all its citizens which have greatly contributed to the successful and continuing recovery of the area following Hurricane Frederic.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Commissioner Boyington in token of appreciation and in praise, and on behalf of the entire Baldwin County Commission.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gulledge then offered the following Senate Resolution, to-wit:

S. R. 18. HONORING MRS. EVA DUCHESNEAU, ELSANOR COMMUNITY'S "CITIZEN OF THE YEAR."

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 1. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 5, 1980, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed as members on the part of the House Reps. Campbell, Sandusky and Moore.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in an adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as members on the part of the House Reps. Zoghby, Stout and Grouby.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith the Senate:

S. J. R. 3. INVITING COACH PAUL W. BRYANT TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

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Also:

S. J. R. 4. COMMENDING THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE, NATIONAL FOOTBALL CHAMPIONS, 1979.

Also:

S. J. R. 5. HONORING COLONEL JOHN T. SULLIVAN UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

S. J. R. 7. CONGRATULATING AND COMMENDING THE GOSHEN HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

S. J. R. 8. COMMENDING THE UNIVERSITY OF MONTEVALLO PHYSICAL EDUCATION CLUB FOR THEIR EFFORTS IN BEHALF OF SPECIAL OLYMPICS.

JOHN W. PEMBERTON,
Clerk.

JOINT SESSION

At 6:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable Fob James.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.:	Glass	Little	Robertson
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

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FURTHER CONSIDERATION OF H. J. R. 4.

The Senate proceeded to further consideration of the Resolution, H. J. R. 4.

Mr. Callahan offered the following substitute for the Resolution, H. J. R. 4, to-wit:

SUBSTITUTE FOR H. J. R. 4

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, February 5, 1980, they adjourn to meet again on Thursday, February 7, 1980; when they adjourn on Thursday, February 7, they adjourn to meet again on Tuesday, February 12, 1980; when they adjourn on Tuesday, February 12, they adjourn to meet again on Thursday, February 14, 1980; when they adjourn on Thursday, February 14, they adjourn to meet again on Wednesday, February 20, 1980; and when they adjourn on Wednesday, February 20, they adjourn to meet again on Thursday, February 21, 1980.

Which was adopted.

And said Resolution, H. J. R. 4, as thus amended by the substitute, was then concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 10. PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1980 REGULAR SESSION OF THE LEGISLATURE.

The Standing Committee on Rules then reported the following amendment to the Resolution, H. J. R. 10, to-wit:

COMMITTEE AMENDMENT TO H. J. R. 10

Amend H. J. R. 10, on line 21 by striking the following "; Act No. 79-331, S. 537"

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 10, as thus amended, was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 6. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1980 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 6, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. J. R. 6

Amend S. J. R. 6 as follows:

Amend S. J. R. 6, page 2, line 8 after the word "Speak" delete the period and add a comma, and then add the following words, "And they are respectfully urged to arrange their meeting during the month of February, 1980, due to the many critical Federally related issues and to be especially prepared to address Medicaid problems and solutions.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 512, 1976 Regular Session, Mr. Smith, Chairman of the Alabama Sunset Review Committee, filed the following report with the Secretary, to-wit:

February 5, 1980

To the Legislature of Alabama:

The Alabama Sunset Committee as recomposed by Act 79-542 respectfully submits this summary report of its findings of facts, conclusions, and recommendations for your consideration.

The Committee has this year reviewed the operations of twenty-six state entities in detail and herein describes any major weaknesses which we believed should be corrected. More detailed analysis has been retained by the Committee and is available to your inspection.

We trust that the recommendations we have made will improve the efficient operation of state government. Your comments and suggestions as to how we might improve our Committee's operation are welcomed.

Sincerely,

BILL SMITH,
Chairman, Sunset Committee.

Terminations: Board of Barber Examiners; Boxing and Wrestling Commission; Bridge Commission, Alabama; Dauphin Island Bridge Authority; Highway Corporation, Alabama; Mental Health Board, Alabama; Pensions and Security, State Board of; State Highway Corporation, Alabama; State Toll Bridge Authority; Turnpike Authority, Alabama.

Continuations: Aeronautics, Department of; Alabama Highway Authority; Alabama Highway Finance Authority; Forestry Commission, Alabama; Health, State Board of/Committee on Public Health; Health Coordinating Council, Statewide; Health Planning and Department Agency, State; Insurance, State Department of; Radiation Control Agency/Advisory Board; Water Improvement Commissions, State.

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Continuation With Modifications: Alcoholic Beverage Control Board; Anatomical Board, State; Dairy Commission, Alabama; Governor's Committee on Employment of the Handicapped; Public Service Commission; Waterwell Standards Board, Alabama.

Further detailed information is on file in the Secretary of the Senate's office is available for public inspection.

ADJOURNMENT

At 7:13 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 7, 1980, at 11 o'clock A.M.

SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 7, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend James E. Jones, Pastor, Eastern Hills Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Kirkland	Proctor	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Clemon, Figures, Keener, and Pearson for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 4. RELATIVE TO SETTING UP LEGISLATIVE DAYS THROUGH FEBRUARY 21, 1980.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. HONORING MR. JOHNNIE SMITH OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT CARTER'S ACTIONS WITH REGARD TO THE IRANIAN CRISIS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Vacca:

S. 188. To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

Committee on Banking and Insurance.

By Mr. Weeks:

S. 189. To repeal Act 79-808, Regular Session, 1979, which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

Committee on Health and Welfare.

By Mr. Higginbotham:

S. 190. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Committee on Education.

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By Messrs. Goodwin, Keener and Taylor:

S. 191. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

Committee on Business and Labor Relations.

By Messrs. Goodwin, Taylor, Robertson and Keener:

S. 192. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$1,000.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

Committee on Business and Labor Relations.

By Messrs. Taylor, Goodwin and Keener:

S. 193. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

Committee on Business and Labor Relations.

By Mr. Goodwin:

S. 194. To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property, and to require adequate coverage of buildings and property.

Committee on Banking and Insurance.

By Messrs. Taylor, Goodwin and Keener:

S. 195. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

Committee on Business and Labor Relations.

By Messrs. Goodwin and Taylor:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

Committee on Business and Labor Relations.

By Messrs. Taylor, Goodwin and Keener:

S. 197. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

Committee on Business and Labor Relations.

By Mr. Hall:

S. 198. Relating to the teachers' retirement system of Alabama; to temporarily open said teachers' retirement system so as to provide that any teacher who has become a member of the teachers' retirement system of Alabama since September 1, 1978, is eligible to receive credit for service rendered as a state employee and member of the employees' retirement system of Alabama prior to September 1, 1978, provided he pays a sum equal to the total contributions withdrawn plus compound interest of eight per centum on such contributions from the date of withdrawal.

Committee on Finance and Taxation.

By Mr. Hall:

S. 199. To amend Section 36-32-7, Code of Alabama 1975, which relates to the minimum standards and physical qualifications for fire fighters, so as to remove fire districts established by local legislation from the purview of the act.

Committee on Governmental Affairs.

By Mr. Gullledge:

S. 200. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Little:

S. 201. To amend Section 34-15-4 Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Committee on Commerce, Transportation and Utilities.

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By Mr. Callahan:

S. 202. To repeal Act No. 79-434, H. 148 of the 1979 Regular Session, relating to increased privilege taxation of oil and gas.

Committee on Finance and Taxation.

By Mr. Smith:

S. 203. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U. S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

Committee on Commerce, Transportation and Utilities.

By Mr. Smith:

S. 204. To exempt Interfaith Mission Service, Inc., Huntsville, Alabama, from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Mr. Teague:

S. 205. To amend Section 12-17-68 of the Code of Alabama, 1975, relating to compensation for district judges, so as to provide further therefor.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 206. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest,

and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Committee on Banking and Insurance.

By Mr. Holmes (with notice and proof):

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of

the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 207, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Little:

S. 208. To amend Section 20-2-93 of the Code of Alabama 1975, relating to forfeitures and seizures under the Alabama Uniform Controlled Substances Act so as to provide for the confiscation by the state of certain money used in illegal transactions involving controlled substances.

Committee on Judiciary.

By Mr. Little:

S. 209. Relating to taxation; exempting East Tallapoosa Hospital, a non-profit hospital, from the payment of all state, county and municipal sales and use taxes, gross receipts tax or any like taxes on utility use or service.

Committee on Finance and Taxation.

By Mr. Teague:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23 (5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 211. To amend Section 36-26-17 of the Code of Alabama, 1975, relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Committee on Governmental Affairs.

By Messrs. Parsons and Kirkland:

S. 212. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975 so as to redefine occupational diseases of firefighters and the related manner and procedures for compensation of such.

Committee on Governmental Affairs.

By Mr. Kirkland:

S. 213. To amend further sections 36-32-1 through 36-32-9 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission; and to provide that the legislature shall appropriate funds necessary to carry out the provisions of this act.

Committee on Governmental Affairs.

By Messrs. Parsons, Hall and Little:

S. 214. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

Committee on Judiciary.

By Mr. Bailey:

S. 215. Relating to insurance; providing for a certain examination period for approval or return by the purchaser of individual life insurance policies and contracts issued for delivery in this state.

Committee on Banking and Insurance.

By Messrs. McDonald, Smith and Lemaster (with notice and proof):

S. 216. Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 216, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John:

S. 217. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Committee on Judiciary.

By Mr. Bailey:

S. 218. To amend sections 15-5-6, 15-5-8, and 28-4-259 of the Code of Alabama 1975 relating to the time of execution of a search warrant, so as to provide that an officer may execute a search warrant at any hour of the day or night.

Committee on Judiciary.

By Messrs. Barron, Weeks, Goodwin, Holmes, Robertson, Harrison, Britnell, Callahan, Little, Martin, Smith, Parsons, Miller, deGraffenried, Glass and Lemaster:

S. 219. To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a)(1)(2)(3) of Section 40-18-19 Code of Alabama 1975.

Committee on Finance and Taxation.

By Messrs. St. John, Higginbotham, Little, Denton, Gullledge, Bailey, Parsons, McDonald, Lemaster and Taylor:

S. 220. To propose a constitutional amendment amending further Amendment No. 212, Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. St. John, Higginbotham, Little, Denton, Gullledge, Bailey, Parsons, McDonald, Lemaster, Taylor and Smith:

S. 221. Proposing a further amendment to Amendment No. 225 of the Constitution of 1901; and providing for the revenues resulting from such repealer.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. INVITING COACH PAUL W. BRYANT TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 4. COMMENDING THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE, NATIONAL FOOTBALL CHAMPIONS, 1979.

Also:

S. J. R. 5. HONORING COLONEL JOHN T. SULLIVAN UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

S. J. R. 6. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1980 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 7. CONGRATULATING AND COMMENDING THE GOSHEN HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

S. J. R. 8. COMMENDING THE UNIVERSITY OF MONTEVALLO PHYSICAL EDUCATION CLUB FOR THEIR EFFORTS IN BEHALF OF SPECIAL OLYMPICS.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 4. Relative to meeting days: Thursday, February 7, 1980, Tuesday, February 12, 1980, Thursday, February 14, 1980, Wednesday, February 20, 1980, Thursday, February 21, 1980.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and send same herewith to the Senate for its consideration:

By Rep. Dixon:

H. J. R. 17. PROCLAIMING THAT PORCELAIN PAINTING BE DEFINED AS A "FINE ART" IN THE STATE OF ALABAMA.

WHEREAS, for purposes of right of reproduction, transfer of ownership and sale, and for the further purpose of entering artistic works in fine art shows, art fairs and other exhibitions, it is desirable that various mediums be clearly defined; and

WHEREAS, in the State of Alabama, there are many artists who almost exclusively use the medium of porcelain painting as a method of artistic expression; and

WHEREAS, not only are the artistic endeavors of porcelain painters as lasting as works on canvas, wood or paper, but the art itself requires a more exacting technique than most other mediums as the porcelain must be fired between each application to set colors into the glaze and various colors, of necessity, are fired at different temperatures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of porcelain painting as a true art form and on behalf of our state's many porcelain artists, we hereby proclaim that, in the State of Alabama, porcelain painting, for any purpose, shall henceforth be defined as "fine art."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Riddick, Smith (J), Gregg, Smith (M), Albright, and Hall:

H. J. R. 15. COMMENDING DR. OTIS FRANKLIN GAY ON HIS OUTSTANDING CAREER IN THE FIELD OF PUBLIC HEALTH AND RELATED AREAS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dixon, McMillan, Sandusky, Pegues, Cabaniss, Kelley, Carothers, Waggoner, Shoemaker, Riddick, Venable, Hammett, Carter, Roberts, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 13. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and send same herewith to the Senate for its consideration:

By Reps. Penry, Amari and McMillan:

H. J. R. 20. EXPRESSING APPRECIATION OF THE LEGISLATURE TO MS. MILLIE MACCIA OF GULF SHORES, ALABAMA.

Also:

By Reps. Penry and McMillan:

H. J. R. 21. COMMENDING MS. HAZEL SCRUGGS OF GULF SHORES, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS IN THE AFTERMATH OF HURRICANE FREDERIC.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gullledge, the Rules were suspended and the Resolutions, H. J. R.'s 20 and 21, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 12. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That there is hereby created a joint committee of the two Houses to Investigate the Alleged Funding Improprieties, Investment Inadequacies and Other Fiscal Discrepancies in Higher Education;

The Committee shall be composed of five (5) members of the House of Representatives to be appointed by the Speaker of the House and five (5) members of the Senate to be appointed by the Lieutenant Governor. The Committee shall meet immediately upon its appointment and elect a chairman and vice-chairman from its membership;

The Committee shall meet at any time during the 1980 Regular Session of the Legislature when the Legislature is not in session preferably on Wednesday when other legislators can be available to hear the testimony; said Committee shall make a written report of its findings to the House of Representatives and to the Senate on or before the Fifteenth (15th) Legislative Day of the 1980 Regular Session and shall terminate on the 15th Legislative Day.

BE IT FURTHER RESOLVED That no funds shall be appropriated to the Committee, but the Clerk of the House and the Secretary of the Senate are directed to supply such secretarial, clerical and research assistance as might be required or needed by the Committee;

That the Governor, Finance Director or former Finance Director and current Fiscal Advisor are requested to supply to the chairman of this Committee forthwith a copy of the report of financial discrepancies in higher education fiscal matters that has been referred to by the press in recent weeks;

Further, all institutions of higher education are directed to respond to the committee's request for any financial records, investment portfolios or other monetary reports, records or dealings promptly as requested by the Committee;

The Committee is directed to forthwith hold public hearings in the House Chamber to obtain a full disclosure of the alleged financial improprieties and a full and complete response and disclosure by all institutions of higher education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 12, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate, Messrs. Proctor, Little, deGraffenried, Pearson, and Miller.

RESOLUTIONS

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. REQUESTING THE UNITED STATES CONGRESS AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO ALTER REGULATIONS GOVERNING ADMINISTRATION OF MEDICAID PROGRAM.

WHEREAS, in 1970 the State of Alabama joined with the federal government in an effort to meet the medical and health needs of the categorically needy citizens of Alabama by implementing and funding a Medical Assistance Plan, (Medicaid); and

WHEREAS, the costs of maintaining that program have increased dramatically during the past ten years; and

WHEREAS, unnecessary, illogical and costly federal regulations continue to add substantially to the costs of the medicaid program and impair the State of Alabama's ability to effectively manage the program; and

WHEREAS, it has become obvious to the citizens of Alabama that this program cannot be continued in its present form and at its current level of activity; and

WHEREAS, the State of Alabama has determined that the costs of such unnecessary federal requirements could presently be exceeding \$40 million, and the State of Alabama has provided the Department of Health, Education and Welfare with specific references and the estimated costs of each; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Executive and Legislative branches of government in the State of Alabama protest the growing burden and excessive costs of federal regulations on this State's medicaid program.

BE IT FURTHER RESOLVED, that the State of Alabama calls upon the United States Congress and the Department of Health, Education and Welfare to immediately review and revise both federal statutes and attendant federal regulations so as to permit, at a minimum, states administering such programs to:

- I. Implement reasonable co-payment requirements for all services;
- II. Purchase services on a negotiated basis by utilizing "prudent buyer" concepts;
- III. Establish reasonable state standards for staffing medical facilities;
- IV. Deny eligibility to recipients because of demonstrated abuse;
- V. Establish methods of reimbursing health care facilities;
- VI. Earn incentive payments for effective management;
- VII. Set stringent admission policies for hospital and nursing home admissions to be enforced by professional standards review organizations;
- VIII. Determine and prescribe administrative procedures and controls, subject only to reasonable and well accepted due process methods;

IX. Charge agencies, including the Social Security Administration, certifying eligibility for the costs of services provided recipients later found to be ineligible;

X. Match federal funding ratios at the levels available in 1970;

XI. Impose reasonable financial assessments on the families of patients requiring nursing home care for indefinite periods of time.

BE IT FURTHER RESOLVED, We encourage the United States Congress and the Department of Health, Education and Welfare to take reasonable steps to restore management of the medicaid program to the states by implementing these and other appropriate measures.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Lemaster offered the following Senate Resolution, to-wit:

S. R. 20. HONORING MR. JERRY GENTLE OF SCOTTSBORO, ALABAMA.

Which was adopted.

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

WHEREAS, the Legal Services Corporation of Alabama is a federally funded non-profit corporation which is forbidden by federal law to attempt to influence the passage or defeat of state legislation, except at the request of a particular legislator; and

WHEREAS, The Alabama Legislature has observed that the Legal Services Corporation of Alabama has been lobbying on a variety of business matters on a daily basis during the current session, without having been invited to do so; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request the Alabama Congressional Delegation to initiate an investigation of this lobbying by the Legal Services Corporation to ensure that this activity complies with the applicable federal law.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. CONGRATULATING THE 1979 STATE 4A FOOTBALL CHAMPIONS, THE WILDCATS OF ENTERPRISE HIGH SCHOOL.

WHEREAS, the Alabama Legislature notes in congratulatory praise the spectacular season and capture of the 1979 State 4A Football Championship by Enterprise High School of Enterprise, Alabama; and

WHEREAS, ending their regular season with a 9-1 record, the Wildcats claimed their crown with explosive victories over the Murphy High Panthers and the Baldwin County Tigers in the first and second round playoffs; the

fired-up Enterprise team then captured a big semi-finals 9-7 win over Jeff Davis of Montgomery, the defending 4A champions, and followed up with a down-to-the-wire 14-13 triumph over Vestavia Hills in the finals to bring home the 4A State Championship for Enterprise High School; and

WHEREAS, Head Coach Bill Bacon and his talented assistants, Coaches Charlie Abernathy, James Daniel, Larry Eddins, Kenneth Hand and Sam Weeks are indeed to be congratulated for directing their team to a tremendous regular season which saw the Wildcats yield just slightly more than 7½ points per game, and to their school's first ever State 4A Football Championship; and

WHEREAS, with every game played in the spirit and tradition of good sportsmanship and fair play, each member of the team is to be highly praised for his integral part in achieving this coveted goal, even enviable in light of the formidable opposition faced on the gridiron by the Wildcats all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Wildcats of Enterprise High School on their 1979 State 4A Football Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Superintendent Thad Morgan, Principal David E. Carter, to Coach Bacon and all assistant coaches, and to each member of the Wildcat Championship Team.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. PRAISING THE ENTERPRISE HIGH SCHOOL WILDCAT MARCHING BAND, RECENTLY DESIGNATED AS ONE OF THE "TOP TEN BANDS IN THE UNITED STATES."

WHEREAS, a superior honor was recently bestowed upon the Enterprise High School Wildcat Marching Band when the school was informed of the band's selection as one of the "Top Ten Bands in the United States," a coveted designation by the National Band Association and the first such award ever for an Alabama band; and

WHEREAS, the road to the top, however, was just as impressive, beginning with the Wildcat's 4A Championship over North Alabama bands in the Hoover Invitational Band Festival at Birmingham; the champs then captured straight Superior ratings from all judges at Troy's Southeastern States Marching Band Festival, only to follow up with the first place Sweepstakes Award, in competition with 41 of the finest and most competitive bands in the Southeast, in the prestigious Fountain City Marching Band Festival in Columbus, Georgia; and

WHEREAS, Band Director Bill Hickman, in his second year at Enterprise, is to be most highly commended, as are each and every one of the 174 members of this outstanding high school band, all of whom have brought great fame and honor, not only to their school and hometown, but to the entire State of Alabama, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Bill Hickman and his Wildcat Marching Band for outstanding achievement as one of the "Top Ten Bands in the United States."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal David Carter for appropriate school display with a copy also to Director Hickman, on behalf of the entire band, in token of our appreciation, warm praise and esteem.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. RECOMMENDING THAT ALL SCHOOL SYSTEMS ALLOW OFFICIAL REPRESENTATION OF MILITARY FORCES REASONABLE ACCESS TO CERTAIN SCHOOL FACILITIES FOR RECRUITING PURPOSES.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the public school systems of Alabama, both county and city, are encouraged to provide reasonable access to official recruiting representatives of all military forces of the State of Alabama and the United States for the purposes of informing students on educational and career opportunities available in all military services.

WHEREAS, school systems now provide access to persons, or groups which make pupils aware of occupational or educational options; and

WHEREAS, the military services provide a wide range of employment and training options available through the nationwide High School Testing Program; and

WHEREAS, the test can serve as a diagnostic instrument in working with individual students; and

WHEREAS, the Armed Services Vocational Aptitude Battery (ASVAB) is free and carries no obligation; and

WHEREAS, it affords an opportunity to acquaint students with many vocational-technical job fields, both civilian and military, before they become committed to a particular academic pathway; and

WHEREAS, the ASVAB can be a valuable test instrument in advising and guiding those students who display the aptitude, interest, and motivation to seek training and employment in vocational-technical fields; and

WHEREAS, the information obtained from the ASVAB test results is a most vital element in the ability to meet mission requirements of putting quality men and women into the United States Armed Services; and

WHEREAS, because of the increasing complexities of modern weapons systems, the need for intelligent, well-educated young men and women has never been greater; and

WHEREAS, therefore, the military services should be afforded the opportunity to make pupils aware of occupational or educational options, especially in these times of national crises;

NOW, THEREFORE, BE IT RESOLVED That the public school systems of Alabama, both the county and city, are encouraged to provide reasonable access to official recruiting representatives of all military forces of the State of Alabama and the United States for the purpose of informing students on educational and career opportunities available in the military service to all high school Seniors; and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State Board of Education and the Superintendent of each county and city school system in the State.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Mr. Smith offered the following Notice in Writing, to-wit:

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 50 as follows:

RULE 50. There shall be thirteen (13) standing committees on the following subjects:

(1) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations, (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rule 54), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rule 54. The Committee shall consist of nineteen (19) members.

(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 8); motions for placing bills on the Consent Calendar (Rule 14); motions or resolutions for a Special Order Consent Calendar [Rule 14(7)]; motions or resolutions for a special order (Rule 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 20); executive nominations and appointments and executive amendments and vetoes (Rule 33); propositions to suspend, modify, or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55); after the 26th legislative day, to act upon bills that originate in the Senate (Rule 59); after the 28th legislative day, to act upon bills that originate in the House of Representatives (Rule 60). Also, the Committee on Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 19 and 21). The Committee on Rules shall consist of seven (7) members.

(3) Judiciary, to which committee shall be referred all bills and other matters concerning: the judiciary, proceedings, reapportionment and redistricting of the legislature, law enforcement, and penal and correctional institutions and programs. The Committee on the Judiciary shall consist of fifteen (15) members.

(4) Governmental Affairs, to which committee shall be referred all bills, resolutions, and other matters concerning: proposed amendments to the Constitution of Alabama and elections, the organization and operation of the state government, including matters relating to the organization, reorganization, establishment, or abolition of any department, board, commission, or other agency of state government, and matters pertaining to the merit system, or otherwise related to employment in the state civil service; and the organization and government of any incorporated municipality in the State of Alabama and all bills and other matters relating to counties in Alabama. The Committee on Governmental Affairs shall consist of thirteen (13) members.

(5) Agriculture, Conservation and Forestry, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the State relating to forestry, fish and game, soil conservation, and public waters and lands. The committee shall also consider bills and other matters relating to state parks, historical sites, and outdoor recreational facilities. The Committee on Agriculture, Conservation and Forestry shall consist of fifteen (15) members.

(6) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including unemployment compensation, workmen's compensation, and industrial labor relations. The Committee on Business and Labor Relations shall consist of nine (9) members.

(7) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of nine (9) members.

(8) Health and Welfare, to which committee shall be referred all bills and other matters concerning the health or welfare of the people of Alabama. The Committee on Health and Welfare shall consider bills and other matters relating to hospitals and other health facilities, the mental health program, and mental institutions. In addition, the committee shall consider bills and other matters relating to social security and public assistance and welfare programs. The Committee on Health and Welfare shall consist of nine (9) members.

(9) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Banking and Insurance shall consist of fifteen (15) members.

(10) Commerce, Transportation, and Utilities, to which committee shall be referred all bills and other matters concerning: commerce and the economic system of the State, industrial and economic development, natural and mineral resources, motor vehicles, traffic regulations, highways, railways, airports and air transportation facilities, pipelines, and all matters

relating to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the State; and all bills and other matters relating to ports, harbors, docks, waterways, and maritime matters. The Committee on Commerce, Transportation, and Utilities shall consist of nine (9) members.

(11) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of eleven (11) members.

(12) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of eight (8) members.

(13) Sunset, which Committee for purposes of continuity shall be automatically composed of the same Senate members as the Select Joint Sunset Committee provided for in Section 41-20-4 of the Code of Alabama 1975, as amended.

Which was read and ordered spread upon the Journal.

REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION TO THE 1980 SESSION OF THE ALABAMA LEGISLATURE

The Judicial Compensation Commission hereby files its report with the 1980 regular session of the Alabama Legislature.

The Commission notes that although the 1979 Legislature raised the salary of Circuit Judges to the amount recommended by the Commission, the salaries of other judges were not raised, thus leaving the salaries of all but Circuit Judges out of proper relationship within the state as well as with corresponding salaries paid by adjoining states.

Accordingly, it is recommended to the Legislature that the annual salary and expense allowance to be paid from the State Treasury for Appellate, Circuit, and District Judges of this state be fixed as follows:

Supreme Court of Alabama	
Chief Justice	\$49,500.00
Associate Justices	49,000.00
Court of Criminal Appeals and	
Court of Civil Appeals	
Presiding Judge	\$48,500.00
Associate Justices	48,000.00
Circuit Judges (unchanged)	\$34,000.00
District Judges	\$29,500.00

Adopted by the affirmative vote of the below named four members of the Judicial Compensation Committee with one dissent, which is attached hereto and made a part hereof.

Certified to the Secretary of the State of Alabama and submitted to the Legislature all this 1st day of February, 1980.

J. Clewis Trucks, Chairman,

O. D. Mason, Jr.,

Boyd Whigham,

T. Massey Bedsole.

DISSENT

I respectfully dissent.

My brothers are sincere and persuasive in their argument that judicial compensation has traditionally been too low in Alabama and that although we have been fortunate up to this time, we cannot continue to expect to attract to the bench men of the caliber we would like to see serve unless their salaries are set at more realistic figures. My brothers are also sincere and persuasive in their argument that the salaries they recommend in the majority report are reasonable and also below most comparable salaries in surrounding states.

Nevertheless, as a matter of principle and conscience I will not be a party to raising the salary or allowances of an elected official during the term of office to which he was elected.

Elisha C. Poole

The foregoing report was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

By Mr. deGraffenried:

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135,

10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 44. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

By Mr. Martin:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

By Mr. Martin:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

By Mr. Martin:

S. 91. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 2. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the

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violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks (with notice and proof):

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

ADJOURNMENT

At 1:20 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 12, 1980, at 2 o'clock P.M.

THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 12, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Julian Talley, Minister, First Independent Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Robertson
Bailey	Glass	Lemaster	St. John
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Keener	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Mitchem for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 10. PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Martin:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

Committee on Governmental Affairs.

By Messrs. Hall, Parsons, Keener, Denton and deGraffenried:

S. 223. To amend Section 18-1-1 of the Code of Alabama 1975 relating to eminent domain so as to provide that the person or organization applying for an order of condemnation shall be responsible for court costs and attorney's fees incurred by the landowner.

Committee on Judiciary.

By Mr. St. John:

S. 224. To make a supplemental appropriation to the Alabama State Bar, from the Alabama State Bar Fund which is on deposit with the state treasury in accordance with Code of Alabama, 1975 § 34-3-4. This supplemental appropriation is for the fiscal year ending September 30, 1980, to cover increased publication costs and increased operational expenses.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 225. To amend Sections 16-25-3 and 36-27-41, Code of Alabama 1975 to provide for the reopening of the teachers' retirement system and the employees' retirement system so as to allow members of both systems to repay on or before October 1, 1980 any contributions previously withdrawn plus interest; and to provide membership credit under certain circumstances for up to four years military service.

Committee on Finance and Taxation.

By Mr. White:

S. 226. To remove certain merit system positions within the State Department of Public Health from the classified service of the state and to provide that the persons in such positions shall hereafter serve at the pleasure of the State Health Officer.

Committee on Governmental Affairs.

By Mr. White:

S. 227. To remove all merit system positions within the State Medical Services Administration from the classified service of the state and to provide that the persons in such positions shall hereafter serve at the pleasure of the commissioner or director of such agency.

Committee on Governmental Affairs.

By Messrs. Keener and Kirkland:

S. 228. To further provide and fix the annual compensation of the chief justice and associate justices of the supreme court, and of the judges of the court of criminal appeals and the court of civil appeals.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 229. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 230. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Committee on Banking and Insurance.

By Messrs. Keener, Goodwin and Taylor:

S. 231. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of and by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide a minimum advance payment rate for governmental employers and the procedure for appealing an assigned rate.

Committee on Business and Labor Relations.

By Mr. Cook:

S. 232. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to

manufacturer, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Committee on Governmental Affairs.

By Mr. Cook (with notice and proof):

S. 233. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, to provide for the zoning of the territory upon annexation into the City of Hoover, to provide for a limitation on increases of ad valorem taxes, to provide for an exemption from the imposition of "occupational taxes" on persons employed within the territory to be annexed, to ratify an agreement between the City of Hoover and the owners of a part of the territory to be annexed concerning the development of such territory, and which agreement provides, among other things, for the financing, construction and operation of a sewage treatment facility to serve a portion of the territory to be annexed.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 233, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. deGraffenried, Mitchem, Martin, Harrison, Holmes, Robertson, Kirkland, Hall, Miller, Teague, Little, Smith and Britnell:

S. 234. Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to declare actions taken at such meetings void, to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

Committee on Judiciary.

By Mr. Hall:

S. 235. To change the name of Jefferson State Junior College, which is located in Jefferson County, to the name, "Jefferson State College"; and to repeal and supersede section 16-3-37, Code of Alabama 1975 only to the extent that it conflicts with the provisions of this act.

Committee on Education.

By Mr. Hall (with notice and proof):

S. 236. Relating to any municipality having a population of not less than 300,000 according to the 1970 or any subsequent federal decennial

census; providing further for reducing, re-establishing, or de-annexing the corporate limits and boundaries of such municipalities where the land is contiguous.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 236, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Denton:

S. 237. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Committee on Governmental Affairs.

By Mr. Kirkland:

S. 238. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing.

Committee on Judiciary.

By Mr. Teague:

S. 239. To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 240. To provide that certain group hospital and medical coverage and health care insurance plans shall contain certain continuation of coverage provisions for terminated employees and to provide that such plans shall also provide terminated employees with a certain option to convert from group to individual coverage at reasonable rates.

Committee on Banking and Insurance.

By Mr. Pearson:

S. 241. Amending Sections 17-4-158 and 17-4-160, Code of Alabama 1975, relating to voter registration, so as to require that certain city clerks be appointed as deputy registrars; to provide for a voter outreach program for identifying qualified citizens who are not registered voters and to register such persons; to establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided for by law.

Committee on Governmental Affairs.

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By Mr. Pearson:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 243. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

Committee on Finance and Taxation.

By Mr. Smith:

S. 244. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for State employees and officials authorized under Act No. 79-724 adopted at the 1979 Regular Session, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540 adopted at the 1979 Regular Session.

Committee on Finance and Taxation.

By Mr. Smith:

S. 245. To provide for and authorize the incorporation of the Alabama Student Loan Authority as a public, not for profit corporation of the State; to provide for the appointment and powers of a board of directors of the Authority; to grant various general powers to the Authority and to specify the conditions under which such powers may be exercised; to empower the Authority to acquire student loan notes guaranteed or insured under the Higher Education Act of 1965, as amended; to empower the Authority to borrow money for its various corporate purposes and in evidence thereof to issue its bonds and notes; to prescribe certain terms and conditions upon which the Authority may sell and issue its bonds and notes; to authorize the Authority to assign and pledge its revenues, moneys or assets as security for its bonds and notes; to provide that the bonds and notes of the Authority shall not constitute or create a debt of the State or a charge on its credit or taxing powers; to provide that the bonds and notes of the Authority shall, subject to certain conditions, constitute negotiable instruments; to authorize the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of the Authority; to provide for the refunding, by the issuance and sale of refunding bonds or notes, of any bonds or notes theretofore issued by the Authority; to provide that the bonds and notes of the Authority shall be legal investments for trust and other fiduciary funds and as security for deposits of funds of the State or its political subdivisions, instrumentalities or agencies, whenever such security is required; to exempt from all taxation in the State the properties, revenues, and income of the Authority, and the bonds and notes of the Authority, their transfer and the income from such bonds and notes; to exempt the Authority, its bonds, notes and contracts from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority and all contracts made by it from all laws of the State requiring competitive bids for contract or purchase; to provide for the liberal construction of the provisions of this Act; to

provide that the Authority shall be a not for profit corporation and that any revenues of the Authority remaining after provision has been made for payment of the expenses, bonds and notes of the Authority shall be used to purchase student loan notes or be paid over to the State; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by the Authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of the Authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Committee on Finance and Taxation.

By Mr. Miller:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

Committee on Governmental Affairs.

By Mr. Higginbotham:

S. 247. To amend Rule B of the Small Claims Rules so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Committee on Judiciary.

RESOLUTION

Messrs. Teague, Goodwin, St. John, Kirkland, Glass, Keener, Gullledge, Little, Hall, Miller, deGraffenried, Martin, Weeks, Harrison, Proctor, Denton, Robertson, Parsons, Clemon, Holmes, Taylor, Pearson, Callahan, Vacca, Britnell, Bailey, Smith, Lemaster, Barron, White, Cook, Higginbotham, and McDonald offered the following Senate Resolution, to-wit:

S. R. 25. DESIGNATING FEBRUARY 12 AS "LINCOLN-LEE DAY" IN THE ALABAMA SENATE.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 10. PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Seante, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 12. Creating a joint committee of the two Houses to Investigate the Alleged Funding Improprieties, Investment Inadequacies and Other Fiscal Discrepancies in Higher Education.

Also:

H. J. R. 13. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

Also:

H. J. R. 15. COMMENDING DR. OTIS FRANKLIN GAY ON HIS OUTSTANDING CAREER IN THE FIELD OF PUBLIC HEALTH AND RELATED AREAS.

Also:

H. J. R. 17. PROCLAIMING THAT PORCELAIN PAINTING BE DEFINED AS A "FINE ART" IN THE STATE OF ALABAMA.

Also:

H. J. R. 20. EXPRESSING APPRECIATION OF THE LEGISLATURE TO MS. MILLIE MACCIA OF GULF SHORES, ALABAMA.

Also:

H. J. R. 21. COMMENDING MS. HAZEL SCRUGGS OF GULF SHORES, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS IN THE AFTERMATH OF HURRICANE FREDERIC.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 23. EXPRESSING CONCERN FOR MISS LYNN PIPPIN AND WISHING HER AN EARLY AND COMPLETE RECOVERY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 23, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. McCorquodale:

H. J. R. 25. CONGRATULATING JACKSON ACADEMY AS FINALISTS IN THE BATTLE FOR THE STATE 3A APSA FOOTBALL CHAMPIONSHIP.

Also:

By Rep. McCorquodale:

H. J. R. 26. CONGRATULATING JACKSON HIGH SCHOOL, CO-CHAMPIONS OF STATE 3A FOOTBALL FOR 1979.

Also:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hillard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 27. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MAYOR EMORY FOLMAR AND THE CITY COUNCIL OF MONTGOMERY, ALABAMA.

Also:

By Reps. Harvey, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford,

Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, (O), Harper (T), Harrison, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 28. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL EUGENE DIXON OF CLEVELAND, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolutions, H. J. R.'s 25, 26, and 28, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Grouby:

H. J. R. 30. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

WHEREAS, in order to rededicate Alabamians with purposeful understanding to the needs and purposes of our country's national defense and to again appreciate the principle that only with strength, courage, understanding and conviction can our country progress in a difficult world; and

WHEREAS, upon these principles rests a strong national defense for the benefit of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor of Alabama is hereby requested to designate and dedicate February 12 to 22 of each year as "National Defense Week."

RESOLVED FURTHER, That it is not the purpose of this resolution to declare a legal holiday, but a week for discussion, reflection, education, and exchange of ideas and views for development of a better understanding and basis for action concerning the needs and purposes of our country's defense, and of our way of life.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Governor Fob James and to Major William Guy Stevens, USAFR, Alabama Department National Defense Week Chairman, Reserve Officers Association, 105 Capri Court, Prattville, Alabama 36067.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake:

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

Also:

By Rep. Blake (with notice and proof):

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 119, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 120, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Rep. Blake (with notice and proof):

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 121, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 123, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 124, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 126, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 118. To the Committee on Judiciary.

H. B.'s 119, 120, 121, 123, 124, and 126—to the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 120, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 127, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 128, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 129, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 130, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Dial, Shoemaker and Johnson (R. G.) (with notice and proof):

H. 137. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 137, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 220, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 258, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 177, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 127, 128, 129, 130, 137, 220, 258, and 177. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 130, was read a first time at length as required by the Constitution.)

RESOLUTIONS

Messrs. Kirkland, Miller and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. COMMENDING DR. AND MRS. SOLON DIXON AND APPROVING THE NAMING OF AUBURN UNIVERSITY'S NEW FORESTRY EDUCATION CENTER IN THEIR HONOR.

WHEREAS, Dr. Solon Dixon, native of Andalusia, Alabama, is a graduate of Auburn University in the class of 1926 and was a faculty member at the University from 1928 until 1934; and

WHEREAS, Dr. Dixon has distinguished himself as a farmer, conservationist, forest industrialist, and a leader in forestry by being among the

small group that organized the Alabama Forestry Association some 30 years ago, bringing recognition to the importance of forestry and wildlife and their conservation and improvement; and

WHEREAS, his success in the business world is attested by the development, with his brother Charles, of the Dixon Lumber Company from a small timber and turpentine business into one of the largest family enterprises in Alabama; and

WHEREAS, recognition of his dedication to service to mankind has been recorded by the many awards and honors bestowed upon him, including Alabama Wildlife Federation's "1979 Conservationist of the Year" and the Alabama Forestry Association's "1979 Forestry Business Leader of the Year," and by having the degree, Doctor of Science, Honoris Causa, bestowed upon him by Auburn University at the Fall 1979 graduation ceremonies; and

WHEREAS, Dr. Dixon and his wife, Martha, have made substantial contributions to a number of educational and civic organizations including a very important one to his Alma Mater that made possible the construction of buildings needed for the establishment of a Forestry Education Center along with the old Dixon home and the land on which it is located together with a gift of a large tract of surrounding forest land; and

WHEREAS, this Forestry Center will further a family tradition that holds deep roots for Dr. Solon Dixon—a tradition that embodies a quiet, but noble respect for the forest environment; and

WHEREAS, the Board of Directors of the Auburn University Foundation and the Board of Trustees of Auburn University unanimously support the naming of the new Forestry Education Center, "The Solon Dixon Forestry Education"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. and Mrs. Solon Dixon merit the highest acclaim of the State of Alabama and we do hereby approve the naming of the new Auburn University Forestry Education Center, "The Solon Dixon Forestry Education Center."

BE IT FURTHER RESOLVED, That a copy of this resolution be included in the permanent proceedings of the Alabama Legislature and that a copy be sent to Dr. and Mrs. Dixon.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Kirkland, Miller and Little then offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. HONORING MRS. CHARLES DIXON AND NAMING THE AUDITORIUM AT THE SOLON DIXON FORESTRY EDUCATION CENTER, THE "CHARLES DIXON AUDITORIUM."

WHEREAS, Mrs. Charles Dixon, throughout her lifetime as the wife of the late Charles Dixon, worked as full partner in the building of the Dixon Lumber Company into a major industry; and

WHEREAS, Mrs. Dixon shared her husband's love for the land and its productivity for Forestry and other aspects of Agriculture; and

WHEREAS, she has made substantial contributions to the Auburn University Foundation that made possible the construction of an auditorium building at the Solon Dixon Forestry Education Center; and

WHEREAS, naming of the building the "Charles Dixon Auditorium" brings together the names of the brothers, Charles and Solon Dixon, in the New Forestry Education Center at the old Dixon home place southwest of Andalusia; and

WHEREAS, it is the desire of Mrs. Charles Dixon that this auditorium be known as the "Charles Dixon Auditorium"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to honor the memory of Charles Dixon, we hereby name and designate the auditorium at the Solon Dixon Forestry Education Center the "Charles Dixon Auditorium."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said auditorium as the "Charles Dixon Auditorium."

RESOLVED FURTHER, That Mrs. Charles Dixon is hereby afforded a place of high honor and that this recognition be duly recorded in the permanent proceedings of the Alabama Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be included in the permanent proceedings of the Alabama Legislature and that a copy be sent to Mrs. Charles Dixon.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 2; Nays 1.

Yeas: Messrs.: Martin, Weeks.

—2

Nay: Mr. Harrison.

—1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

BILLS ON THIRD READING

The Bill:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

was taken up.

On motion of Mr. Keener, unanimous consent was granted to postpone further consideration of the Bill, S. B. 3, until the next Legislative Day as Unfinished Business.

The Bill:

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-1-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162-10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

was taken up.

On motion of Mr. deGraffenried, unanimous consent was granted to postpone further consideration of the Bill, S. B. 71, until the next Legislative Day as Unfinished Business.

The Bill:

S. 44. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

was taken up.

Messrs. St. John and Little offered the following amendment to the Bill, S. B. 44, to-wit:

AMENDMENT TO S. B. 44

Amend Senate Bill No. 44, Page 1, Line 36, by inserting after the word "Chilton", the words "Colbert, Franklin, Lauderdale, Lawrence, Randolph, Barbour, Cherokee."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	St. John
Bailey	Goodwin	Little	Smith
Barron	Gulledge	Martin	Taylor
Britnell	Hall	Miller	Teague
Clemon	Higginbotham	Proctor	Vacca
deGraffenried	Holmes	Robertson	White
Denton	Keener		

—25

Nays:

—0

And said Bill, S. B. 44, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Keener	St. John
Barron	Goodwin	Lemaster	Smith
Britnell	Gulledge	Little	Taylor
Clemon	Hall	Martin	Teague
deGraffenried	Higginbotham	McDonald	Vacca
Denton	Holmes	Miller	White

—23

Nays:

—0

The Bill:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

<i>Yeas:</i>			
Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Taylor
Clemon	Harrison	McDonald	Teague
deGraffenried	Higginbotham	Miller	Vacca
Denton	Holmes	Parsons	White
Glass	Keener		

—25

Nays:

—0

The Bill:

S. 91. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part

thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Hall	Miller	Taylor
Britnell	Holmes	Parsons	Teague
Clemon	Kirkland	Robertson	Vacca
deGraffenried	Lemaster	St. John	White
Denton	Little		

—21

Nays: —0

The Bill:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46, and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

was taken up.

On motion of Mr. Martin, unanimous consent was granted to postpone further consideration of the Bill, S. B. 87, until the Fifth Legislative Day as Unfinished Business.

The Bill:

S. 2. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

was taken up.

Mr. Callahan offered the following amendment to the Bill, S. B. 2, to-wit:

AMENDMENT TO S. B. 2

Amend Senate Bill No. 2, Page 33, Line 36-37, by striking out lines 36 and 37 (Section D).

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Goodwin	Little	Taylor	
Barron	Hall	Martin	Teague	
Britnell	Holmes	McDonald	Vacca	
Callahan	Keener	Parsons	White	
Clemon	Kirkland			—21

Nays: —0

Messrs. Little, Holmes and St. John offered the following amendment to the Bill, S. B. 2, as amended, to-wit:

AMENDMENT TO S. B. 2, AS AMENDED

Amend Senate Bill No. 2, Page 33, Line 31, by inserting after the word "article" the words: unless otherwise authorized by official permit of the governing body of the city or county having jurisdiction over said highway.

Which was adopted.

Yeas 14; Nays 3.

Yeas:

Messrs.:	Goodwin	Lemaster	Taylor	
Bailey	Hall	Little	Teague	
Barron	Holmes	Miller	Vacca	
Britnell	Kirkland	St. John		—14

Nays: Messrs.: Keener, Parsons, White. —3

Mr. Little moved that further consideration of the Bill, S. B. 2, as amended, be postponed until the Fifth Legislative Day.

Mr. St. John moved that said motion be laid on the table, which motion was lost.

The question was then on the motion of Mr. Little that further consideration of the Bill, S. B. 2, as amended, be postponed until the Fifth Legislative Day.

Mr. White offered a substitute motion that further consideration of the Bill, S. B. 2, as amended, be postponed until the next Legislative Day.

Mr. St. John moved that said substitute motion be laid on the table, which motion was lost.

The question was then on Mr. White's substitute motion to postpone the Bill, S. B. 2, as amended, until the next Legislative Day, and said substitute motion was lost.

Yeas 3; Nays 19.

Yeas: Messrs.: Miller, Parsons, White. —3

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Nays:

Messrs.:	Goodwin	Keener	Proctor
Bailey	Gulledge	Kirkland	Robertson
Britnell	Hall	Lemaster	St. John
Callahan	Higginbotham	Martin	Taylor
deGraffenried	Holmes	McDonald	Vacca

—19

The question was again on the motion of Mr. Little that further consideration of the Bill, S. B. 2, as amended, be postponed until the Fifth Legislative Day, which motion was lost.

QUORUM CALL REQUESTED

At 4:55 P.M., Mr. White requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Britnell	Holmes	McDonald	Vacca
deGraffenried	Keener	Miller	Weeks
Denton	Kirkland	Robertson	

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FURTHER CONSIDERATION OF S. B. 2

The Senate proceeded to further consideration of the Bill, S. B. 2, as amended.

And said Bill, S. B. 2, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Harrison	Martin	Vacca
Clemon	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Proctor	White
Denton	Keener	Robertson	

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Nays:

—0

RESOLUTION

Mr. Gulledge offered the following Senate Resolution, to-wit:

S. R. 28. COMMENDING MR. ALBERT THOMPSON, WBCA "CITIZEN OF THE YEAR" FOR 1979.

Which was adopted.

UNANIMOUS CONSENT GRANTED

Mr. Martin requested and received unanimous consent to bring up the Bill:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46, and 11-46-45, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

And said Bill, S. B. 87, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith
Bailey	Goodwin	Little	Taylor
Barron	Gulledge	Martin	Teague
Britnell	Hall	McDonald	Vacca
Callahan	Holmes	Miller	Weeks
Cook	Keener	Proctor	White
deGraffenried	Kirkland	St. John	

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ADJOURNMENT

At 5:15 P.M., on motion of Mr. Holmes, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 3 and 71, the Senate adjourned until Thursday, February 14, 1980, at 11 o'clock A.M.

FOURTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 14, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Doctor Dale Huff, Pastor, First Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	St. John	
Bailey	Glass	Little	Smith	
Barron	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Parsons	Vacca	
Clemon	Harrison	Peason	Weeks	
Cook	Holmes	Proctor	White	
deGraffenried	Keener	Robertson		—32
Denton	Kirkland			

JOURNAL

On motion of Mr. Robertson, the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice-Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Robertson, leave of absence was granted Messrs. Higginbotham, McDonald, and Mitchem for today.

RESOLUTION

Messrs. Glass, Robertson, and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES, AND ALL PROGRAMS OF THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for programs of the Alabama Department of Pensions and Security, as well as for Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check provided by the responsible hard-working taxpayers of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall thoroughly study and investigate the programs, policies, regulations and procedures of the Alabama Department of Pensions and Security for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 15th legislative day of the 1981 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

Under the provisions of Senate Rule 36, Mr. Robertson requested that the Journal record the names of Messrs. Figures, Pearson, and Clemon as being the members who objected to suspension of the Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 23. EXPRESSING CONCERN FOR MISS LYNN PIPPIN AND WISHING HER AN EARLY AND COMPLETE RECOVERY.

Also:

H. J. R. 25. CONGRATULATING JACKSON ACADEMY AS FINALISTS IN THE BATTLE FOR THE STATE 3A APSA FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 26. CONGRATULATING JACKSON HIGH SCHOOL, CO-CHAMPIONS OF STATE 3A FOOTBALL FOR 1979.

Also:

H. J. R. 27. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MAYOR EMORY FOLMAR AND THE CITY COUNCIL OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 28. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL EUGENE DIXON OF CLEVELAND, ALABAMA.

Also:

H. J. R. 30. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Callahan:

S. 248. To amend Section 12-18-84 of the Code of Alabama 1975 relating to the eligibility for retirement of probate judges so as to allow any probate judge who is an active member of the judicial retirement fund to receive credit for up to six (6) years of credit for time served as tax assessor, tax collector, circuit clerk, superintendent of education, sheriff, legislator, or county commissioner provided that only services rendered within the State of Alabama shall be eligible and such service shall not be eligible if the probate judge is entitled to any credit or benefits from a retirement or pension plan funded wholly or partly by public funds, and which is based on the same service; to provide for the payment of a contribution based on the current salary and contribution rate of any probate judge applying for such service

within a one year period of time which commences on the date that the probate judge completes 5 years of creditable service with the judicial retirement fund or the effective date of this Act if such probate judge applying hereunder has the requisite creditable service upon the enactment of this legislation.

Committee on Finance and Taxation.

By Messrs. Robertson, Britnell and Glass:

S. 249. To amend Sections 38-10-6 and 38-10-9 of the Code of Alabama 1975, so as to prescribe that certain grandparents of any illegitimate child are included in the persons who have a legal duty of support, under the Child Support Act of 1979, for any aid rendered by the county or state departments of pensions and security in the grandchild's behalf, and the cost of such aid becomes a debt due and owing the department.

Committee on Health and Welfare.

By Messrs. Robertson, Britnell and Glass:

S. 250. To prescribe that the name, address, case records, payments and services to any recipient of public assistance or welfare shall be deemed a public record; to require that the Commissioner of Pensions and Security be responsible for making such records available upon the request of any citizen; to require the state department of pensions and security to pay any legal fees and costs for any person who must petition the court to obtain such records; to amend Section 38-2-6 of the Code of Alabama, 1975, so as to remove the confidentiality of such records; and to repeal conflicting laws.

Committee on Governmental Affairs.

By Mr. Martin:

S. 251. Relating to ad valorem taxes; to provide for a refund of certain payments of taxes under certain conditions for ad valorem taxes paid by a taxpayer who claims an exemption or who is assessed based upon an exemption which results in an overpayment of taxes; and to further provide for the claiming of certain exemptions provided by law.

Committee on Finance and Taxation.

By Messrs. Britnell and Denton:

S. 252. To amend Section 36-25-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

Committee on Governmental Affairs.

By Messrs. Britnell and Robertson:

S. 253. To provide for the placement of all junior colleges and technical schools under the control and direction of the State Board of Education.

Committee on Education.

By Mr. St. John:

S. 254. To amend Section 41-9-91 of the Code of Alabama 1975 relating to the distribution of moneys collected by the chairman of the Boxing and

Wrestling Commission, as ex officio the recorder of permits and licenses, so as to clarify the intent as to the moneys to be distributed; and to provide for retroactive effect.

Committee on Finance and Taxation.

By Mr. Hall:

S. 255. To create a reconstituted Surface Mining Reclamation Commission with responsibility and authority to conform the State's regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Hall:

S. 256. To provide for the election of the members of county boards of education and of county superintendents of education in those counties having city school systems located therein.

Committee on Education.

By Messrs. Lemaster and Kirkland:

S. 257. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

Committee on Governmental Affairs.

By Messrs. deGraffenried, Cook and Robertson:

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.

Committee on Judiciary.

By Messrs. Little and Vacca:

S. 259. To amend section 32-5-240 of the Code of Alabama 1975 relating to the required lighting equipment of vehicles so as to require that such equipment be put in operation during periods when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

Committee on Judiciary.

By Mr. Little:

S. 260. To provide for the public offense of library theft; to define the offense and to define certain terms; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the act.

Committee on Judiciary.

By Mr. White:

S. 261. To amend Code of Alabama 1975, §§ 16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

Committee on Education.

By Mr. Smith:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50, 2-13-56 and 2-13-64 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers, price hearings, and penalty provisions for regulation of milk and dairy products, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products, to provide for price hearings to allow a single hearing for the entire state, and to provide further for the penalty for distributors who fail to pay producers within a specified time, and to repeal existing laws.

Committee on Governmental Affairs.

By Messrs. Parsons, Holmes, deGraffenried, Kenner and Hall:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Committee on Governmental Affairs.

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

Committee on Governmental Affairs.

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 272. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the retail sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators, the administrator of the Alabama Alcoholic Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in retail sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

Committee on Governmental Affairs.

By Mr. Smith:

S. 273. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

Committee on Governmental Affairs.

By Mr. Smith:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 276. To abolish the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, and to transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the mental health care and facilities of this state; providing that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; repealing conflicting laws and specific statutes pertaining to the Alabama mental health board, and any inconsistencies contained in Title 22, Chapters 50 and 51 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act; and providing an effective date.

Committee on Governmental Affairs.

By Mr. Smith:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Committee on Governmental Affairs.

By Mr. Smith:

S. 278. To repeal sections 41-9-90 through 41-9-95 inclusively and sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to transfer all equipment of the terminated commission to the commissioner of revenue within 30 days following enactment of this bill.

Committee on Governmental Affairs.

By Mr. Smith:

S. 279. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 35-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor, with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

Committee on Governmental Affairs.

By Mr. Smith:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 281. To repeal Sections 34-5-1 through 34-5-16, as amended, of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners, and to provide for an effective date.

Committee on Governmental Affairs.

By Mr. Smith:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Committee on Governmental Affairs.

By Mr. Smith:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Smith:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Committee on Governmental Affairs.

By Mr. Smith:

S. 286. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development and management of energy resources requires a comprehensive and

coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Board's funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Smith:

S. 287. To amend Section 40-4-5, Code of Alabama 1975, relating to fees allowed the tax assessors of this state for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization, so as to increase the fees provided in said section.

Committee on Finance and Taxation.

By Mr. Smith:

S. 288. To amend Section 40-5-17 of the Code of Alabama 1975, relating to the collection of delinquent taxes from taxpayers who have left the county so as to increase the fee allowed to tax collectors in said section for executing writs against the personal property of such taxpayers.

Committee on Finance and Taxation.

By Mr. Smith:

S. 289. To amend Section 40-5-14 of the Code of Alabama 1975, relating to the levy and sale of personal property for the collection of delinquent taxes so as to increase the fee allowed to the tax collectors for making such sale.

Committee on Finance and Taxation.

By Mr. Smith:

S. 290. To amend Section 40-10-27, Code of Alabama 1975, relating to the fees provided for giving notice to delinquent property owners to show cause why a decree of sale should not be rendered and relating to the fees for issuing such decrees of sale and for serving such notice by certified or registered mail with return receipt demanded.

Committee on Finance and Taxation.

By Mr. Smith:

S. 291. To amend Section 40-5-6, Code of Alabama 1975, relating to fees provided for making demand on delinquent taxpayers and for levy and sale of property so as to increase the amount of the fees provided for in said section.

Committee on Finance and Taxation.

By Mr. Smith.

S. 292. To amend Section 40-7-19 of the Code of Alabama 1975, relating to demands against persons failing to make returns of taxable property, so as to increase the fee provided therein for tax assessors for making such demands.

Committee on Finance and Taxation.

By Mr. Smith:

S. 293. To amend Section 40-7-32 of the Code of Alabama 1975 relating to the fees of tax assessors of this state for making returns on escaped property, so as to increase said fees allowed by said section.

Committee on Finance and Taxation.

By Mr. Smith:

S. 294. To amend Article VI and Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement, so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement, and to increase the number of executive committee members.

Committee on Governmental Affairs.

By Messrs. Harrison and Barron:

S. 295. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Messrs. Harrison and Barron:

S. 296. To amend Section 36-26-36 of the Code of Alabama 1975 so as to further provide for the payment of accrued sick leave to state merit system employees at the time of retirement.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 297. Relating to contracts; to provide that any express written warranty by the seller in a contract for sale shall be for a period of not less than one year.

Committee on Judiciary.

By Messrs. Harrison, Barron, Britnell, Denton, Holmes, White, Miller, Vacca, Bailey, Taylor and Lemaster:

S. 298. To prohibit the selling of drug paraphernalia without a prescription and to prescribe penalties for violation.

Committee on Judiciary.

BILL RE-REFERRED

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following Bill, S. B. 233, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 233, re-referred to the Standing Committee on Governmental Affairs.

RESOLUTIONS

Messrs. St. John, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF MR. LEO MARTIN, SR., OF NATCHITOCHES, LOUISIANA.

WHEREAS, it was with a sense of shock and deep sorrow that the Legislature of Alabama learned of the tragic, accidental death of Mr. Leo Martin, Sr., of Natchitoches, Louisiana, on February 13, 1980; and

WHEREAS, Mr. Martin was the father-in-law of our good friend, Senator Dutch Higginbotham, the fater of his wife, Betty, whom we also hold in deep affection and with whom we so deeply grieve; and

WHEREAS, though helpless at such a time, we do indeed share this personal tragedy in the lives of Dutch and Betty Higginbotham and we express our most heartfelt sympathy not only to them but to all members of Mr. Martin's family as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Mr. Leo Martin, Sr., of Natchitoches, Louisiana, and direct that copies of this resolution be sent to his family as evidence of our shared sorrow and deep regret in their great loss.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 31. MOURNING THE DEATH OF MR. CLINTON ALTON WAITES OF LANETT, ALABAMA.

Which was adopted.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-575, the report of the Joint Committee to Study the Effects of Radiation and Other Areas of Nuclear Energy Activities on the State of Alabama was read and ordered filed with the Secretary.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Figures:

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

By Mr. deGraffenried:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

By Mr. deGraffenried:

S. 74. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

By Messrs. Higginbotham and Little:

S. 75. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute):

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 155. To amend Section 5-19-11 of the Code of Alabama 1975 so as to clarify the remedy provided therein for violation of the Alabama Consumer Credit Act of 1971, or "Mini-Code: (Acts 1971, p. 3290), relative to dismissal of any action on any debt for collection at the cost of the plaintiff."

By Mr. Figures:

S. 167. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

By Mr. Figures:

S. 22. To provide that during certain emergencies and natural disasters, prices on goods and services must not exceed more than a certain percentage of the price prior to such conditions; and to prescribe felony penalties against any person, firm or business which violates the provisions of this act.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Substitute):

S. 217. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin, Taylor, Robertson and Keener:

S. 192. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$1,000.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (With Substitute):

S. 31. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 35. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

By Mr. Gullledge:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

By Mr. Bailey:

S. 133. To amend § 27-2-16, Code of Alabama 1975 so as to repeal a requirement the Commissioner of Insurance publish an annual list of insurance agents and insurers.

By Mr. Bailey:

S. 134. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes (with notice and proof):

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. Minus (with notice and proof):

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

By Rep. Minus (with notice and proof):

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

By Rep. Minus (with notice and proof):

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

By Rep. Minus (with notice and proof):

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

By Rep. Minus (with notice and proof):

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

By Rep. Minus (with notice and proof):

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

By Rep. Minus (with notice and proof):

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Owens (with notice and proof):

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

By Rep. Campbell (with notice and proof):

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge (With Amendment):

S. 200. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

The above Bill was read a second time at length as required by the Constitution.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 32. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton (With Substitute):

S. 70. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried, Keener, St. John and Proctor:

S. 105. The purpose of this bill is to amend § 41-13-21, Code of Alabama 1975, providing for the determination by the state records commission of those state records which may be destroyed and those which must be preserved; to provide that records of the courts within the unified judicial

system may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the supreme court; to further provide that any retention schedules pertaining to court records previously adopted pursuant to law shall be superseded with respect to such records by any retention schedule which may subsequently be prescribed by rule of the supreme court; and to provide for the repeal of all provisions of law in conflict with this act.

By Mr. Cook:

S. 58. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

By Mr. Cook:

S. 60. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

By Mr. Keener:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents on the uniform accident report form.

By Mr. Teague:

S. 111. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

By Mr. Little:

S. 118. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

By Mr. Bailey:

S. 211. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Substitute):

S. 54. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Barron, Robertson, Martin, Holmes, Harrison, Little, Denton, Proctor, Hall and Kirkland:

S. 171. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the Board of Control of the State Employees' Retirement System so as to restructure said board to provide further for membership on the board of members of the system.

By Mr. Holmes:

S. 112. To establish the Alabama State Register of Rules and Regulations; to require that all rules and regulations issued by certain state agencies be filed with the Secretary of State and be subject to public inspection; and to make null and void any rule or regulation not filed in compliance with this Act.

REPORT FROM RULES

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

S. J. R. 12. DESIGNATING THE PARAMOUNT THEATRE IN MONTGOMERY, ALABAMA, AS OUR STATE'S OFFICIAL THEATRE FOR THE PERFORMING ARTS.

The Standing Committee on Rules reported the following amendment to the Resolution, S. J. R. 12, to-wit:

AMENDMENT TO S. J. R. 12

Amend S. J. R. 12, by striking in its entirety the following, "BE IT FURTHER RESOLVED, That appropriate signs and markers be erected and maintained so designating said theatre as the "State Theatre for the Performing Arts."

Which was adopted.

And on motion of Mr. Harrison, said Resolution, S. J. R. 12, as thus amended, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 34. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn on Thursday, February 21, 1980, we adjourn to meet again on Tuesday, February 26, 1980; when we adjourn on Tuesday, February 26, we adjourn to meet again on Thursday, February 28, 1980; when we adjourn on Thursday, February 28, we adjourn to meet again on Tuesday, March 4, 1980; when we adjourn on Tuesday,

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March 4, we adjourn to meet again on Thursday, March 6, 1980; when we adjourn on Thursday, March 6, we adjourn to meet again on Tuesday, March 18, 1980; and when we adjourn on Tuesday, March 18, we adjourn to meet again on Thursday, March 20, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 34, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Holmes and Langford:

H. J. R. 36. COMMENDING THE ALABAMA STATE UNIVERSITY BASKETBALL TEAM.

Also:

By Reps. Adams (H) and Ford:

H. J. R. 38. HONORING COUNTY AGENT T. L. SANDERSON UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 39. WISHING RALPH C. HOLMES A SPEEDY RECOVERY.

Also:

By Reps. Buskey, Zoghby, Parker, Kennedy, Turner, McMillan, Bedsole and Stewart:

H. J. R. 40. CONGRATULATING AND COMMENDING OUR FORMER COLLEAGUE, CAIN KENNEDY OF MOBILE, ALABAMA.

Also:

By Rep. Minus:

H. J. R. 42. MOURNING THE DEATH OF PAUL THOMAS FOX.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 36, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 38, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 39, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 42, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Messrs. Smith, Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. HONORING REX McDOWELL, DIRECTOR OF THE LEGISLATIVE FISCAL OFFICE.

WHEREAS, since 1975, Rex McDowell has worked in close association with members of the Alabama Legislature, first serving from 1975 until 1978 as House Fiscal Officer; from 1978 until the present he has served with distinction and utmost competence as Director of the Legislative Fiscal Office, a position of tremendous responsibility and accountability, as well; and

WHEREAS, a graduate of A. G. Parrish High School in Selma, Alabama, Mr. McDowell is a graduate also of the University of Alabama with a B.A. Degree in Public Administration and a Master's Degree in Business Administration; thus by education and through experience, he was eminently qualified for the directorship he now holds and in which office he has indeed exhibited extraordinary ability; and

WHEREAS, Rex McDowell's leadership qualities are further discernible through his involvement in numerous of the civic and charitable affairs of his community; he is a member of the Capital City Rotary Club and serves on the Board of Directors of both the Young Men's Business Club and the American Cancer Society; and

WHEREAS, effective February 19, 1980, Mr. McDowell regrettably has tendered his resignation as Director of the Legislative Fiscal Office; we are pleased for him, however, as he is leaving to accept a commission with the nationally prestigious firm of Price-Waterhouse, Inc., in Washington, D. C.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Rex McDowell for outstanding service to the Legislature and to the State of Alabama; we further wish him well in his new career and in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. McDowell be presented with a copy of this resolution, in token of friendship, in deep appreciation and esteem.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

H. J. R. 35. REQUESTING FROM MEDICAL SERVICES ADMINISTRATION CERTAIN DATA RELATING TO FISCAL AND OWNERSHIP MATTERS OF ALL NURSING HOMES IN THIS STATE WHICH BEAR ON THE EXPENDITURE OF TAXPAYERS'S DOLLARS.

WHEREAS, the state's appropriations, directly and indirectly, of taxpayers' dollars for nursing home services has escalated disproportionately during the last ten years than for most other services; and

WHEREAS, fiscal responsibility from all recipients of state funds will be necessary for continuing said services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Medical Services Administration shall furnish forthwith to each member of the legislature a list of each nursing home in this state, its ownership and methods of financing the construction of the nursing home, its total amount of capital ownership, the balance due on the bonded indebtedness, if any, the amount of debt service each home received during the last fiscal year, and how much bonded indebtedness has been paid by taxpayers' dollars during the last ten fiscal years.

BE IT FURTHER RESOLVED, That the Medical Service Administration shall begin providing the stated information as each area of request is accomplished.

RESOLVED FURTHER, That a copy of this resolution be sent by the secretary of the senate to the director of the state Medical Services Administration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 35, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Amari:

H. J. R. 45. COMMENDING CAPTAIN ROBERT M. MILLER OF BIRMINGHAM UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 45, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.) Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyb:

H. J. R. 46. NOTING THE OCCASION OF MRS. JENNIE ELIZABETH PEMBERTON'S 100TH BIRTHDAY.

WHEREAS, is is with utmost pleasure that the Legislature of Alabama extends warm and heartfelt congratulations to Mrs. Jennie Elizabeth Kitchens Pemberton who recently celebrated her 100th birthday; and

WHEREAS, a native of Alexander City, Alabama, and now a resident of East Tallassee, Mrs. Pemberton was born February 9, 1880, to Mr. and Mrs. Ben Kitchens; her father, who fought with the Confederacy during the Civil War, distinguished himself by returning to duty, despite the loss, in battle, of most of his right foot, and he remained with his unit until the War's end; and

WHEREAS, widow of the late Ross Pemberton, she and her husband were the parents of twelve children, nine of whom are still living including their son and our friend, John Pemberton, Clerk of the Alabama House of Representatives; she also has 28 grandchildren and 29 great grandchildren; and

WHEREAS, Mrs. Pemberton's long life is truly a blessing to her many, many friends, and to her devoted family who have ever turned to her for guidance and have so greatly benefitted from her wise and loving counsel; and

WHEREAS, even having marked the centennial of her birth, Mrs. Pemberton is in good health and remains active with a keen interest in life, her family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to Mrs. Jennie Elizabeth Pemberton, a warm and gracious Christian lady whom we wish many more years of health, happiness and joy.

BE IT FURTHER RESOLVED, That Mrs. Jennie Elizabeth Pemberton be presented with a copy of this resolution that she may know of our congratulations, warm praise and esteem.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 46, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. MOURNING THE DEATH OF R. E. FRANK SANDERS, PROMINENT SOUTH BALDWIN COUNTY BANKER AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Mr. E. Frank Sanders of Foley, Alabama, on November 26, 1979, at the age of 74 years; and

WHEREAS, a native of Gordo in Pickens County, Alabama, Mr. Sanders was a longtime resident of Foley where he was associated with the Farmers and Merchants Bank, beginning in July, 1926, for some 53 years; his last 23 years of service with the bank were as President and Chairman of the Board; and

WHEREAS, he served on the South Baldwin Chamber of Commerce Board of Directors for several years and further twice served as President, in 1946-47 and again in 1969; he also was the recipient of the South Baldwin Chamber of Commerce first annual "Free Enterprise Man of the Year Award" in 1976; and

WHEREAS, his deep civic involvement extended to active participation in the affairs of the Marietta Johnson School and included service as the school's Chairman of the Board; and

WHEREAS, Mr. Sanders, additionally was instrumental in the founding of the Center for Performing Arts, in Foley, providing both leadership and financial support, and for which service he was honored by the naming of the Center's main gallery, "The E. Frank Sanders Gallery"; and

WHEREAS, the death of Mr. E. Frank Sanders has indeed left a void which will long be felt in his beloved community of Foley and in all of South Baldwin County, a loss we share with his family, his associates and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Mr. E. Frank Sanders, a prominent citizen of South Baldwin County and a distinguished Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Elizabeth Sanders, with a copy also provided for the Board of Directors of the Farmers and Merchants Bank of Foley, Alabama.

On motion of Mr. Gullledge, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Britnell and Denton offered the following Senate Resolution, to-wit:

S. R. 34. CONGRATULATING COLBERT COUNTY HIGH SCHOOL ON THEIR STATE 3A FOOTBALL CHAMPIONSHIP FOR 1979.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus:

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Also:

By Rep. Minus:

H. 14. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Also:

By Rep. Waggoner:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 13 and 14. To the Committee on Finance and Taxation.

H. B. 168. To the Committee on Commerce, Transportation and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

Also:

By Rep. Campbell (with notice and proof):

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 215, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 216, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so

as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 217, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 146. Relating to Randolph County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties; to give the county engineer authority to administer this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 146, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Manley:

H. 78. To make a supplemental appropriation to the Alabama State Bar, from the Bar Association Fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

Also:

By Rep. Campbell (with notice and proof):

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 219, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 's 214, 215, 216, 217, 146, and 219. To the Committee on Local Legislation No. 1.

H. B. 78. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues and Moore:

H. 96. To amend § 39-2-2 of the Code of Alabama 1975 to require competitive bidding on any contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

Also:

By Rep. Turnham:

H. 104. To prohibit the sale of alcoholic beverages at any of the state welcome centers and rest areas along the public highways of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 96. To the Committee on Governmental Affairs.

H. B. 104. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 173. To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts; to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 173. To the Committee on Judiciary.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

Mr. Keener offered the following substitute for the Bill, S. B. 3, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Be It Enacted by the Legislature of Alabama:

§ 1. Short Title.

This act shall be known as and may be cited as the Alabama Administrative Procedure Act.

§ 2. Statement of purpose.

This act is intended to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public. Nothing in this act is meant to discourage agencies from adopting procedures conferring additional rights upon the public; and, save for express provisions of this act to the contrary, nothing in this act is meant to abrogate in whole or in part any statute prescribing procedural duties for an agency which are in addition to those provided herein. This act is meant to apply to all rule-making and contested case proceedings and all suits for the judicial review of agency action that are not specifically excluded from this act or some portion thereof by its express terms or by the express terms of another act.

The purposes of the Alabama Administrative Procedure Act are: to provide legislative oversight of powers and duties delegated to administrative agencies; to increase public accountability of administrative agencies; to simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions; to increase public access to governmental information; to increase public participation in the formulation of administrative rules; to increase the fairness of agencies in their conduct of contested case proceedings; and to simplify the process of judicial review of agency action as well as increase its ease and availability. In accomplishing its objectives, the intention of this act is to strike a fair balance between these purposes and the need for efficient, economical and effective government administration. The act is not meant to alter the substantive rights of any person or agency. Its impact is limited to procedural rights with the expectation that better substantive results will be achieved in the everyday conduct of state government by improving the process by which those results are attained.

Every state agency having express statutory authority to promulgate rules and regulations shall be governed by the provisions of this act and any additional provisions required by statute, and shall also have the authority to amend or repeal rules and regulations, and to prescribe methods and procedures required in connection therewith. Nothing in this act shall be construed as granting to any agency the authority to adopt or promulgate rules and regulations.

All agencies whose power to establish rules is subject to the approval of the Supreme Court are exempted from the provisions of this act.

§ 3. Definitions.

The following words and phrases when used in this act shall, for the purpose of this act, have meanings respectively ascribed to them in this section, except when the context otherwise requires.

(1) Agency. Every board, bureau, commission, department, officer, or other administrative office or unit of the state, other than the legislature, or the courts or the Alabama public service commission. The term shall not include counties, municipalities, or local governmental units, unless they are expressly made subject to this act by general or special law.

(2) Committee. The Joint Committee on Administrative Regulation review.

(3) Contested case. A proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing. Provided, however, that the term shall not include intra-agency personnel actions.

(4) License. The whole or part of any agency franchise, permit, certificate, approval, registration, charter or similar form of permission required by law, but not a license required solely for revenue purposes when issuance of the license is merely a ministerial act.

(5) Licensing. The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license or imposition of terms for the exercise of a license.

(6) Party. Each person or agency named or admitted as a party or properly seeking and entitled as a matter of right (whether established by constitution, statute or agency regulation or otherwise) to be admitted as a

party, or admitted as an intervenor under Section 14 of this act. An agency may by rule authorize limited form of participation in agency proceedings for persons who are not eligible to become parties.

(7) Person. Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(8) Quorum. No less than two-thirds of the members of a multi-member agency shall constitute a quorum authorized to act in the name of the agency unless provided otherwise by statute.

(9) Rule. Each agency regulation, standard or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term includes the amendment or repeal of all existing rules but does not include the following:

(a) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) Declaratory rulings issued pursuant to § 11 hereof;

(c) Intergovernmental, interagency, and intra-agency memoranda, directives, manuals or other communications which do not substantially affect the legal rights of, or procedures available to, the public or any segment thereof;

(d) Determinations, decisions, orders, statements of policy and interpretations that are made in contested cases;

(e) An order which is directed to a specifically named person or to a group of specifically named persons which does not constitute a general class, and the order is served on the person or persons to whom it is directed by the appropriate means applicable thereto; the fact that the named person who is being regulated serves a group of unnamed persons who will be affected does not make such order a rule;

(f) An order which applies to a specifically described tract of real estate;

(g) Any rules or action relating to:

(i) the conduct of inmates of public institutions;

(ii) the curriculum of public educational institutions or the admission, conduct, discipline, or graduation of students of such institutions, provided, however, that this exception shall not extend to rules or actions of the State Department of Education;

(iii) opinions issued by the Attorney General of the State of Alabama;

(iv) the conduct of commissioned officers, warrant officers and enlisted persons in the military service.

§ 4. Public information; adoption of rules, public inspection; availability of rules and orders; sanction.

(1) In addition to the other rule-making requirements imposed by law, each agency shall:

(a) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(c) make available for public inspection and copying, at cost, all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(d) make available for public inspection and copying, at cost, and index by name and subject all final orders, decisions, and opinions which are issued after the effective date of this act except those expressly made confidential or privileged by statute or order of court.

(2) No agency rule, order, or decision shall be valid or effective against any person or party nor may it be invoked by the agency for any purpose until it has been made available for public inspection and indexed as required by this section and the agency has given all notices required by this section. This provision is not applicable in favor of any person or party who has actual knowledge thereof and the burden of proving such knowledge shall be on the agency.

§ 5. Procedure for adoption of rules.

(1) Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(a) give at least thirty-five days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely request of the agency for advance notice of its rule-making proceedings and shall be published, prior to any action thereon, in the Alabama Administrative Monthly. A complete copy of the proposed rule shall be filed with the secretary of the agency and the Secretary of State.

(b) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. Opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

(2) Emergency rule. Notwithstanding any other provision of this act to the contrary, if an agency finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than thirty-five days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule shall become effective immediately, unless otherwise stated therein, upon the filing of the rule and a copy of the written statement of the reasons therefor

with the Secretary of the State and the secretary of the agency. The rule may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not adopt the same or a substantially similar emergency rule within one calendar year from its first adoption unless the agency clearly establishes it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. The adoption of the same or a substantially similar rule by normal rule-making procedures is not precluded.

(3) It is the intent of this section to establish basic minimum procedural requirements for the adoption, amendment or repeal of administrative rules. Except for emergency rules which are provided for in subsection (2), the provisions of this section are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power granted by law to the State or any agency thereof.

(4) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this section must be commenced within two years from the effective date of the rule; provided, however, that a proceeding to contest a rule based on failure to provide notice as herein required may be commenced at any time.

§ 6. Filing and taking effect of rules.

(1) Each agency shall have an officer designated as its Secretary and shall file in the office of the secretary of the agency a certified copy of each rule adopted by it, including all rules as defined in this act existing on the effective date of this act. The Secretary of the agency shall keep a permanent register of the rules open to public inspection.

(2) The secretary of each agency shall file in the Office of the Secretary of State, no later than fifteen days after the filing with the secretary of the agency, in a form and manner prescribed by the Secretary of State a certified copy of each rule adopted by it, including all rules as defined in this act existing on the effective date of this act. The Secretary of State shall keep a permanent register of the rules open to public inspection.

(3) Each rule hereafter adopted is effective thirty-five days after filing with the Secretary of the State, except that:

(a) if a later date is required by statute or specified in the rule, the later date is the effective date;

(b) subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the Secretary of the State, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, if the agency finds:

(i) that a statute so provides; or

(ii) that this effective date is necessary because of immediate danger to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this subparagraph (ii), the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to apprise the persons who may be affected by its rules of the adoption of rules made effective under the terms of this subparagraph.

§ 7. Publication of rules.

(1) The Secretary of the agency shall establish and maintain an official register of regulations which shall be compiled, indexed, published in loose-leaf form, and kept up to date by the Secretary of the agency. This register of regulations shall be known as "The (name of the agency) Administrative Code," and it shall be made available, upon request, at cost to all persons for copying and inspection and to those persons who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The secretary of the agency shall number and renumber rules to conform with a uniform numbering system devised by the Secretary of State.

(2) The secretary of the agency may omit from its administrative code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the secretary of the agency, and exclusion from publication shall not affect their validity or effectiveness. The secretary of the agency shall publish a compilation of, and index to, all rules so omitted at least annually.

(3) The secretary of the agency shall make copies of the agency's administrative code available on an annual subscription basis, at cost.

(4) The secretary of the agency shall file with the Secretary of State, not later than fifteen days after filing with the secretary of the agency, all rules or amendments or repeal of rules promulgated by the agency. In addition, the Secretary of the Alabama public service commission shall file with the Secretary of State, not later than fifteen days after filing with the secretary of the commission, all rules or amendments or repeal of rules promulgated by that commission.

(5) The Secretary of State shall establish and maintain an official register of regulations which shall be so compiled, indexed, published in loose-leaf form and kept up to date by the Secretary of State. The register of regulations shall be known as the "Alabama Administrative Code," and shall be made available at cost, upon request, to all persons for inspection and copying or who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The Secretary of State shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

(6) The Secretary of State shall publish a monthly bulletin entitled the "Alabama Administrative Monthly", which shall contain the text of all rules filed during the preceding month, excluding rules in effect upon the adoption of this act, together with other material required by law and such other material the agency or committee determines to be of general interest.

(7) The Secretary of State may omit from the Alabama Administrative Monthly and the Alabama Administrative Code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the Secretary of State, and exclusion from publication shall not affect their validity or effectiveness. The Secretary of State shall publish a compilation of, and index to, all rules so omitted at least annually.

(8) The Secretary of State shall make copies of the Alabama Administrative Code and copies of the Alabama Administrative Monthly available at cost on an annual subscription basis.

(9) The Secretary of State shall charge each agency using the Alabama Administrative Monthly a space rate computed to cover all publishing or printing costs related to the Alabama Administrative Monthly.

§ 8. Petition for adoption of rules.

Except where the form of procedure for such petition is otherwise prescribed by statute, any municipality, county, or agency of the state or federal government, or any five or more persons having an interest in a rule may petition an agency requesting the adoption, amendment or repeal of a rule (Any individual may petition an agency requesting the adoption, amendment or repeal of a rule, but five or more persons having an interest in the rule must petition the agency before the agency is required to act on the petition). Each agency shall prescribe by rule the form for petitions and procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with Section 5.

§ 9. Adoption by reference.

An agency may adopt, by reference in its rules and without publishing the adopted matter in full, all or any part of a code, standard or regulation which has been adopted by any other agency of this state or any agency of the United States. The reference shall fully identify the adopted matter by date and otherwise. The agency shall have available copies of the adopted matter for inspection and the rules shall state where copies of the adopted matter can be obtained and any charge therefor as of the time the rule is adopted.

§ 10. Declaratory judgment on validity or applicability of rules.

The validity or applicability of a rule may be determined in an action for a declaratory judgment, or its enforcement stayed by injunctive relief, in the circuit court of Montgomery County, unless otherwise specifically provided by statute, if the court finds that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without substantial compliance with rule-making procedures provided for in this act.

§ 11. Declaratory rulings by agencies.

On the petition of any person substantially affected by a rule, an agency may issue a declaratory ruling with respect to the validity of the rule or with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the agency. The petition seeking an administrative determination under this section shall be in writing and shall state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule. Each agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration and disposition, and shall prescribe in its rules the circumstances in which rulings shall or shall not be issued. A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by a court in a proper proceeding. Such rulings are subject to review in the circuit court of Montgomery County, unless otherwise specifically provided by the statute, in the manner hereinafter provided for the review of decisions in contested cases. Failure of the agency to issue a declaratory ruling on the merits within forty-five days of the request for such ruling shall constitute a denial of the request as well as a denial of the merits of the request and shall be subject to judicial review.

§ 12. Contested cases; notice; hearing-records.

(1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail return receipt requested. However, an agency may provide by rule for the delivery of such notice by other means. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.

(2) The notice shall include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and rules involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(3) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.

(4) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved and to be represented by counsel at their own expense.

(5) Unless precluded by statute, informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing.

(6) The record in a contested case shall include:

(a) All pleadings, motions, and intermediate rulings.

(b) All evidence received or considered and all other submission; provided, in the event that evidence in any proceeding may contain proprietary and confidential information, steps shall be taken to prevent public disclosure of that information.

(c) A statement of all matters officially noticed.

(d) All questions and offers of proof, objections and rulings thereon.

(e) All proposed findings and exceptions.

(f) Any decision, opinion or report by the officer presiding at the hearing.

(g) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case; provided, if such memoranda or data contains information of a proprietary and confidential nature, it shall be protected by the agency from public disclosure.

(7) Oral proceedings shall be open to the public, unless private hearings are otherwise authorized by law. Oral proceedings shall be recorded either by mechanized means or by qualified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the agency for at least five years from the date of decision, and shall be made available for inspection by the public except in those cases where private hearings are authorized by law, or where the proceedings shall be ordered sealed by order of court, or are required to be sealed by statute.

(8) Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

§ 13. Rules of evidence; officially noticed facts.

In contested cases:

(1) The rules of evidence as applied in non-jury civil cases in the circuit courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross examination of the witness. The testimony of parties and witnesses shall be made under oath.

(2) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the agency. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examination required for a full and true disclosure of the facts.

(4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

(5) The experience, technical competence, and specialized knowledge of the agency may be utilized in the evaluation of the evidence.

§ 14. Intervention.

In contested cases:

(1) Upon timely application any person shall be permitted to intervene: (a) when a statute confers an unconditional right to intervene; or (b) when the

applicant has an individual interest in the outcome of the case as distinguished from a public interest and the representation of the interest of the applicant is inadequate.

(2) Upon timely application any person may be permitted to intervene: (a) when a statute confers a conditional right to intervene; or (b) when the applicant's claim or defense and the main case have a question of law or fact in common. In exercising its discretion the agency shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

§ 15. Proposed orders; final decisions; examination of evidence.

In a contested case, a majority of the officials of the agency who are to render the final order must be in accord for the decision of the agency to be a final decision. If any official of the agency who is to participate in the final decision has not heard the case or read the record, and his vote would affect the final decision, the final decision shall not be made until a proposed order is prepared and an opportunity is afforded to each party adversely affected by the proposed order to file exceptions and present briefs and oral argument to the official not having heard the case or read the record. The proposed order shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision prepared by the person who conducted the hearing or one who read the record. The proposed order shall become the final decision of the agency without further proceedings unless there are exceptions filed or an appeal to the agency within the time provided by rule. The parties by written stipulation may waive compliance with this section.

§ 16. Final decisions and orders.

(1) The final order in a proceeding which affects substantial interests shall be in writing and made a part of the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within thirty days:

(a) After the hearing is concluded, if conducted by the agency;

(b) After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by a hearing officer; or,

(c) After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing. The thirty day period may be waived or extended with the consent of all parties and may be extended by law with reference to specific agencies.

(2) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order shall include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

(3) If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoined from the date rendered.

(4) Parties shall be notified either personally or by certified mail return receipt requested of any order, and, unless waived, a copy of the final order shall be so delivered or mailed to each party or to his attorney of record.

§ 17. Application for rehearing.

(1) Any party to a contested case who deems himself aggrieved by a final order and who desires to have the same modified or set aside may within fifteen days after entry of said order file an application for rehearing which shall specify in detail the grounds for the relief sought therein and authorities in support thereof.

(2) The filing of such an application for rehearing shall not extend, modify, suspend or delay the effective date of the order, and said order shall take effect on the date fixed by the agency and shall continue in effect unless and until said application shall be granted or until said order shall be superseded, modified, or set aside in a manner provided by law.

(3) Such application for rehearing will lie only if the final order is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) in violation of an agency rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;

(f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(4) Copies of such application for rehearing shall be served on all parties of record, who may file replies thereto.

(5) Within 30 days from the filing of an application the agency may in its discretion enter an order:

- (a) setting a hearing on the application for a rehearing which shall be heard as soon as practicable; or,
- (b) with reference to the application without a hearing; or,
- (c) grant or deny the application.

If the agency enters no order whatsoever regarding the application within the thirty day period, the application shall be deemed to have been denied as of the expiration of the 30 day period.

§ 18. Separation of functions.

(1) No individual who participates in the making of any proposed order or final decision in a contested case shall have prosecuted or represented a party in connection with that case, the specific controversy underlying that case, or another pending factually related contested case, or pending factually related controversy that may culminate in a contested case involving the same parties. Nor shall any such individual be subject to the authority, direction or discretion of any person who has prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy, involving the same parties.

(2) A party to a contested case proceeding may file a timely and sufficient affidavit asserting disqualification according to the provisions of subsection (1), or asserting personal bias of an individual participating in the making of any proposed order or final decision in that case. The agency shall determine the matter as part of the record in the case. When an agency in these circumstances makes such a determination with respect to an agency member, that determination shall be subject to de novo judicial review in any subsequent review proceeding of the case.

§ 19. Proceedings affecting licenses.

(1) The provisions of this act concerning contested cases shall apply to the grant, denial, revocation, suspension, or renewal of a license.

(2) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(3) No revocation, suspension, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

(4) If the agency finds that danger to the public health, safety, or welfare requires emergency suspension of a license and states in writing its reasons for that finding, it may proceed without hearing or upon any abbreviated hearing that it finds practicable to suspend the license. The suspension shall become effective immediately, unless otherwise stated therein. The suspension may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not suspend the same license for the same or a substantially similar emergency within one calendar year from its first suspension unless the agency clearly establishes that it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or revocation proceeding under subsection (3) of this section shall also be promptly instituted and acted upon.

§ 20. Judicial review of contested cases.

(1) A person who has exhausted all administrative remedies available within the agency (other than rehearing) and who is aggrieved by a final decision in a contested case is entitled to judicial review under this act. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(2) Except in matters for which judicial review is otherwise provided for by law, all proceedings for review shall be instituted by filing of notice of appeal or review and, where required by statute, a cost bond, with the agency. A petition shall be filed in the circuit court of the county in which the agency maintains its headquarters, or unless otherwise specifically provided by

statute, where a party (other than an intervenor) resides or if a party (other than an intervenor), is a corporation, domestic or foreign, having a registered office of business office in this state, then in the county of such registered office or principal place of business within this state.

(3) The filing of the notice of appeal or the petition does not itself stay enforcement of the agency decision. If the agency decision has the effect of suspending or revoking a license, a stay or supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the reviewing court, upon petition of the agency, determines that a stay or supersedeas would constitute a probable danger to the public health, safety, or welfare. In all other cases, the agency may grant, or the reviewing court may order, a stay upon appropriate terms, but, in any event, the order shall specify the conditions upon which the stay or supersedeas is granted; provided, however, if the appeal or proceedings for review to any reviewing court is from an order of the agency increasing, or reducing or refusing to increase, rates, fares or charges, or any of them, or any schedule or parts of any schedule of such rates, fares or charges, the reviewing court shall not direct or order a supersedeas or stay of the action or order to be reviewed without requiring, as a condition precedent to the granting of such supersedeas, that the party applying for supersedeas or stay shall execute and file with the clerk of said court a bond as provided for and required by statute or law. If the circuit court shall fail or refuse to grant supersedeas or stay, the party seeking such relief may petition the Court of Civil Appeals or the Supreme Court to order a supersedeas or stay of the action or order of the agency from which review is sought. After the required bond shall have been filed and approved by the clerk, such agency order shall be stayed and superseded, and it shall be lawful to charge the rates, fares or charges which have been reduced, refused or denied by said agency order, until the final disposition of the cause. The provisions of this subsection shall apply when applicable, anything in Rule 60 of the Alabama Rules of Civil Procedure restricting the provisions of this subsection to the contrary notwithstanding.

(4) The notice of appeal or review shall be filed within thirty days after the receipt of the notice of or other service of the final decision of the agency upon the petitioner, or, if a rehearing is requested under section 17, within thirty days after the decision thereon. The petition for judicial review in the circuit court shall be filed within thirty days after the filing of the notice of appeal or review. Copies of the petition shall be served upon the agency and all parties of record after the petition is filed with the court. Any party to the agency proceeding may become a party to the review proceedings by notifying the court within thirty days after receipt of the copy of the petition. Any person aggrieved may petition to become a party by filing a motion to intervene as provided in section 14 of this act. Failure to file such petition within the time stated shall operate as a waiver of the right of such person to review under this act, except that for good cause shown, the judge of the reviewing court may extend the time for filing not to exceed an additional thirty days or, within 4 months after the issuance of the agency order, issue an order permitting a review of the agency decision under this act notwithstanding such waiver.

(5) If there has been no hearing prior to agency action and the reviewing court finds that the validity of the action depends upon disputed facts, the court shall order the agency to conduct a prompt fact-finding proceeding under this act after having a reasonable opportunity to reconsider its determination on the record of the proceedings.

(6) Unreasonable delay on the part of an agency in reaching a final decision shall be justification for any person whose rights, duties, or privileges are adversely affected by such delay to seek a court order compelling action by the agency.

(7) Within thirty days after receipt of the notice of appeal, or within such additional time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record and transcript of the proceedings under review. With the permission of the court, the record of the proceedings under review may be shortened by stipulation of all parties to the review proceedings. Any party found by the reviewing court to have unreasonably refused to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(8) The petition for review shall name the agency as respondent and shall contain a concise statement of:

- (a) The nature of the agency action which is the subject of the petition.
- (b) The particular agency action appealed from.
- (c) The facts and law on which jurisdiction and venue are based.
- (d) The grounds on which relief is sought.
- (e) The relief sought.

(9) In proceedings for judicial review of agency action in a contested case, however, a reviewing court shall not itself hear or accept any further evidence with respect to those issues of fact whose determination was entrusted by law to the agency in that contested case proceeding; provided, however, that evidence may be introduced in the reviewing court as to fraud or misconduct of some person engaged in the administration of the agency or procedural irregularities before the agency not shown in the record and the affecting order, ruling or award from which review is sought, proof thereon may be taken in the reviewing court. If, before the date set for hearing a petition for judicial review of agency action in a contested case, it is shown to the satisfaction of the court that additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency the court may remand to the agency and order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modification, new findings, or decision with the reviewing court and mail copies of the new findings or decision to all parties.

(10) The review shall be conducted by the court without a jury and shall in the review of contested cases be confined to the record and such additions thereto as may be made under subsection (9) of this section. The court, upon request, shall hear oral argument and receive written briefs.

(11) The agency order shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, except where otherwise authorized by statute. The court may affirm the agency action or remand the case to the agency for taking additional testimony and evidence or for further proceedings. The court may reverse or modify the decision or grant other

appropriate relief from the agency action, equitable or legal and including declaratory relief, if the court finds that the agency action is due to be set aside or modified under standards set forth in appeal or review statutes applicable to that agency, or where no such statutory standards for judicial review are applicable to the agency, if substantial rights of the petitioner have been prejudiced because the agency action is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) in violation of any agency rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;
- (f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(12) Unless the court affirms the decision of the agency, the court shall set out in writing, which writing shall become a part of the record, the reasons for its decision.

(13) The provisions of this section shall not apply to judicial review of any final decision in a contested case if an appeal from such agency decision is authorized by law to be taken directly to the Supreme Court of Alabama.

§ 21. Appeals.

An aggrieved party may obtain a review of any final judgment of the circuit court under section 20 of this act by appeal to the Court of Civil Appeals, except as provided by statute which authorizes an appeal to the Supreme Court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

§ 22. Joint Committee on Administrative Regulation Review.

(1) There shall be a joint standing legislative committee known as the Joint Committee on Administrative Regulation Review, to review all agency rules. The committee shall consist of three members of the House of Representatives to be appointed by the Speaker of the House and three members of the Senate appointed by the Lieutenant Governor. The Lieutenant Governor shall appoint the chairman in even years and the vice chairman in odd years, and the Speaker of the House shall appoint the chairman in odd years and the vice chairman in even years, from among the committee membership. Vacancies shall be filled by appointment by the authority making the appointment. Members shall serve for the term for which they were elected to office. Members shall serve without additional compensation, but shall be reimbursed for travel expenses to meetings of the Committee.

(2) The Committee shall:

(a) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact.

(b) Review administrative rules and advise the agencies concerned of its findings.

(c) Have the further duties prescribed in section 23.

(d) Report to the Legislature at least annually, no later than the fifth legislative day of the regular session, and recommend needed legislation or other appropriate action.

§ 23. Committee Review of Proposed Rules.

The notice required by section 5 (1) (a) of this act shall be given, in addition to the persons there named, to the chairman of the legislative committee. The agency shall furnish the committee with ten copies of the proposed rule or rules, and no rule, except an emergency rule issued pursuant to section 5 (2) of this act, shall be effective until these copies are so furnished. Any member of the Senate and House of Representatives who requests a copy of proposed agency rules from the chairman of the Joint Committee on Administrative Regulation Review shall be provided a copy and the agency proposing rules shall furnish additional copies of the proposed rule or rules immediately. The form of the proposed rule presented to the committee shall be as follows: New language shall be in capital letters and language to be deleted shall be enclosed in brackets.

§ 24. Construction.

The Alabama Administrative Procedure Act shall be construed broadly to effectuate its purposes. Except as expressly provided otherwise by this act or by another statute referring to this act by name, the rights created and the requirements imposed by this act shall be in addition to those created or imposed by every other statute in existence on the date of the passage of this act or thereafter enacted. If an other statute in existence on the date of the passage of this act or thereafter enacted diminishes any right conferred upon a person by this act or diminishes any requirement imposed upon an agency by this act, this act shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this named act. Except as to proceedings in process on that date which shall be October 1, 1982, this act shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this act or by another statute specifically referring to this act by name.

§ 25. Repeal of Inconsistent Laws.

It is the express intent of the legislature to replace all provisions in statutes of this state relating to rule-making, agency orders, administrative adjudication, or judicial review thereof that are inconsistent with the provisions of this act. Therefore, all laws or parts of laws that conflict with this act are hereby repealed on the effective date of this act.

§ 26. Time of Taking Effect.

(1) This act shall take effect at 12:01 a.m., October 1, 1981, provided, however, that section 22 of this act shall take effect October 1, 1980. In order that the Secretary of State may appoint and hire an aid to receive the rules and in order to promulgate the Alabama Administrative Code and the Alabama Administrative Monthly as soon as possible, section 6(1) and section 7(a) shall also become effective October 1, 1980. It shall be the duty of all agencies in existence on the passage of this act and all agencies created

thereafter to cooperate with the office of the Secretary of State in compiling the Alabama Administrative Code and the Alabama Administrative Monthly by submitting to the committee all rules now and hereafter in effect, and all proposed rules.

(2) All existing rules shall be indexed by October 1, 1982, and the administrative code of each agency shall be completed and up-to-date at that time and the Alabama Administrative Code shall be completed and up-to-date by November 15, 1982.

(3) Any rule in effect before 12:01 a.m., October 1, 1982, except those adopted following a public hearing that was required by statute, shall forthwith be reviewed by the agency concerned on the written request of a person substantially affected by the rule involved. The agency concerned shall initiate the rule-making procedures provided by this act within ninety days after receiving such written request. If the agency concerned fails to initiate the rule-making procedures within ninety days, the operation of the rule shall be suspended. The right of review established by this subsection shall be exercisable no earlier than October 1, 1982.

(4) All rules in effect on the passage of this act and in effect October 1, 1982, shall be valid if validly adopted under procedures prior to those provided by this act; and such rules shall be indexed and published in the administrative code of each agency; provided, however, that in the case of rules not adopted following a public hearing expressly required or permitted by statute, such rules shall be invalid and of no effect on and following October 1, 1983, unless the agency shall have adopted or readopted said rules pursuant to the requirements of this act.

(5) All contested cases and other adjudicative proceedings conducted pursuant to any provision of the statutes of this state that were begun prior to October 1, 1982, shall be continued to a conclusion, including judicial review, under the provisions of such statutes, except that contested cases and other adjudicative proceedings that have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceedings, be conducted in accordance with the provisions of this act as nearly as feasible.

§ 27. Severability.

If the provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Mr. Cook offered the following amendment to the substitute for the Bill, S. B. 3, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 3

Amendment to substitute for S. B. 3 as follows:

Amend S. B. 3:

On page 3, line 27 after the word "commission" delete the . (period) and insert in lieu thereof a , (comma) and the words "The Alabama Air Pollution Control Commission and The Alabama Water Improvement Commission, and The Alabama State Docks."

ADJOURNMENT

At 1:50 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 3 and 71, the Senate adjourned until Wednesday, February 20, 1980, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 20, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Bill Pomeroy, Assistant Pastor, Dalraida Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Martin and St. John (with notice and proof):

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 299, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Glass, Vacca and Martin:

S. 300. To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-24, 34-7-6, and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-13, 34-7-14, 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

Committee on Health and Welfare.

By Mr. St. John:

S. 301. To amend the appropriation provisions for the Alabama Commissioners on Uniform State Laws.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 302. To amend Section 35-1-1 of the Code of Alabama 1975, relating to the right of aliens to take, hold and transmit property, so as to further provide therefor; to restrict certain aliens from owning or having any interest in certain agricultural land which is in excess of one hundred sixty acres; to prescribe divestment of certain persons; to provide for definitions, exemptions; and to prescribe penalties for violations of the provisions of the Act.

Committee on Judiciary.

By Mr. Parsons:

S. 303. To amend section 25-4-72, Code of Alabama 1975, relating to the individual weekly benefit amount of unemployment compensation, so as to increase such amount in certain instances.

Committee on Business and Labor Relations.

By Mr. Parsons:

S. 304. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

Committee on Governmental Affairs.

By Mr. St. John:

S. 305. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

Committee on Judiciary.

By Mr. St. John:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

Committee on Banking and Insurance.

By Mr. Hall:

S. 307. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that all high school principals be appointed as deputy registrars.

Committee on Governmental Affairs.

By Mr. Higginbotham:

S. 308. To repeal Section 8-8-1.2 governing the maximum rate of interest to be charged by savings and loan associations on loans secured by savings accounts.

Committee on Banking and Insurance.

By Messrs. Proctor, Parsons, Cook and Vacca:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 310. To make appropriations for the support and maintenance of the Tuskegee Institute.

Committee on Finance and Taxation.

By Messrs. Pearson and Goodwin:

S. 311. To make appropriations for the support and maintenance of the Marion Military Institute.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 312. To make appropriations for the support and maintenance of the Talladega College.

Committee on Finance and Taxation.

By Messrs. Pearson and Little:

S. 313. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Committee on Finance and Taxation.

By Messrs. Pearson and Hall:

S. 314. To make appropriations for the support and maintenance of the Walker County Junior College.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 316. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

By Mr. Keener:

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

Committee on Judiciary.

By Messrs. White, Glass, Proctor, Robertson, Harrison, Barron, deGraffenried, Goodwin, Parsons, Cook, Gullledge, Vacca, Teague and Higginbotham:

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

Committee on Health and Welfare.

By Mr. Hall:

S. 319. Relating to elections; to provide for the designation of a principal campaign committee by each candidate for election to state office; to provide for the registration of political committees (including the principal campaign committee of each candidate) with the state; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to provide for the implementation and enforcement of the act; to define terms used in this act; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising, to prohibit the intimidation of voters, certain expenditures to influence voting, the promise of appointment by a candidate, the promise of employment or other benefit for political activity, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, any

contribution of currency in excess of a specified amount, fraudulent misrepresentations of campaign authority, and certain enumerated corrupt practices with respect to elections; to provide penalties for the violation of the provisions of the act; and to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA 1975.

Committee on Governmental Affairs.

By Messrs. Little, Mitchem, Holmes, Proctor, Smith, deGraffenried, McDonald, Barron, Miller, Bailey, Vacca, Parsons, Britnell, Glass and Martin:

S. 320. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 321. To provide that mothers of certain deceased veterans shall be entitled to certain preference points on state merit system examinations and to provide for retroactive effect.

Committee on Governmental Affairs.

By Mr. Clemon:

S. 322. To provide for fair dismissal procedures for certain nonprofessional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

Committee on Education.

By Mr. Teague:

S. 323. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

Committee on Agriculture, Conservation
and Forestry.

By Mr. Teague:

S. 324. To amend Code of Alabama 1975 Sections 5-19-3 and 5-19-31 which relate to the regulation of extensions of credit so as to provide further for the maximum finance charges and the manner of their calculation; to provide for the manner of repayment and the payment of certain advance charges on loans involving an interest in real estate; further to provide that the rates and authority granted herein are in addition to and not in lieu of any other rates or exemptions authorized by law; and to provide in Section 5-19-31 that subdivision (1) rather than subsection (a) of Section 5-19-1 applies to certain loans.

Committee on Banking and Insurance.

By Mr. Teague:

S. 325. To amend Section 6-5-332, Code of Alabama 1975, which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster.

Committee on Judiciary.

By Mr. Higginbotham:

S. 326. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of such Municipalities; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to

exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Committee on Health and Welfare.

By Mr. Miller:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any

kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

Committee on Governmental Affairs.

By Mr. Miller:

S. 328. To add the United States Sports Academy to the list of tax exempted organizations in Section 40-9-12 of the Code of Alabama.

Committee on Finance and Taxation.

By Messrs. Vacca, Cook, Clemon, Hall, White, Parsons, Proctor and Pearson (with notice and proof):

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 329, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald:

S. 330. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations or comparable standardized test determined by the State Board of Education, and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Committee on Education.

RESOLUTIONS

Messrs. White, Mitchem, Taylor, Glass, Harrison, Denton, Pearson, Miller, Parsons, Keener, Britnell, Kirkland, Hall, Goodwin, Lemaster, Little, Martin, deGraffenried, McDonald, Proctor, Higginbotham, Teague, Bailey, Vacca and Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. ANNOUNCING THE LEGISLATURE'S SUPPORT FOR CARE OF THE INDIGENT ELDERLY AND DISABLED.

WHEREAS, the State of Alabama in its efforts to provide care for the elderly and disabled has been forced into an impossible position by unrealistic Federal guidelines; and

WHEREAS, the Legislature and the people of Alabama have always supported care for our elderly and disabled; and

WHEREAS, the federal government has not modified its unrealistic guidelines to facilitate Alabama's efforts to provide care for its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does announce the support of a program to determine, by state guidelines, those elderly and disabled in need of state assistance, and does further pledge its support for additional taxes if necessary to fund programs developed and controlled by Alabama guidelines.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Parsons, Goodwin, Miller, Kirkland, and Proctor offered the following Senate Resolution, to-wit:

S. R. 36. COMMENDING THE CONCORD VOLUNTEER FIRE DEPARTMENT.

Which was adopted.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. EXPRESSING THE LEGISLATURE'S APPRECIATION TO TVA OFFICIALS AND PLEDGING ITS FULL SUPPORT OF THE AUTHORITY'S PROPOSED "MURPHY HILL SITE" IN MARSHALL COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama is delighted to note the prime consideration of Murphy Hill in Marshall County, Alabama, as the location of a coal gasification plant proposed as a national energy demonstration project to prove the practicability of converting coal to gas as a means of alleviating our nation's energy crisis; and

WHEREAS, TVA board members, Chairman S. David Freeman, Richard Freeman and Bob Clements, are to be most highly commended for their efforts in establishing such a facility during a time of absolute necessity for the United States to develop its domestic energy resources and eliminate our dependency on foreign oil; and

WHEREAS, Alabama Congressman Tom Beville has been instrumental in the promotion of coal-to-gas conversion and shares the commendable foresight of the TVA Board and other officials in realizing the advantage of establishing this project at a site so strategically located to existing industrial gas markets, water and coal; and

WHEREAS, with energy self-sufficiency as its primary goal, the Murphy Hill Site would also prove to have a tremendous economic impact on Marshall County and all of Alabama; the estimated \$2 billion plant would employ some 2000 workers during construction, an estimated 300 to 500 during operation and would have the resultant benefit of an influx of other industries seeking to take advantage of the site's product; and

WHEREAS, both in the best interest of our nation and the economic well-being of our state, the Alabama Legislature pledges its full support of the Murphy Hill Site project, from inception to completion, and dedicates its interest and efforts toward the realization of such a vital facility, with continuing assistance in every possible way during actual operation of the plant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously express our appreciation for TVA efforts to establish the Murphy Hill Site project in Alabama; we further restate our full support and cooperation to TVA Board Chairman S. David Freeman, board members Richard Freeman and Bob Clements, and to Congressman Tom Bevill to whom copies of this resolution shall be sent.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Amari:

H. 17. To amend section 12-16-150, Code of Alabama 1975, relating to the challenge of jurors for cause, so as to remove the disqualification of jurors over the age of 65.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 17. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 10. To repeal Act No. 596, H. 778, 1977 Regular Session (Acts 1977, p. 797), entitled, "An Act to create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this act retroactive effect"; providing that the provisions of said Act 596 shall continue to apply to persons covered by its provisions prior to January 1, 1980.

Also:

By Reps. Clark and Campbell:

H. 245. To amend Section 8-8-10 of the Code of Alabama 1975, relating to Interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Also:

By Rep. Smith (J):

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

Also:

By Reps. Clark and Campbell:

H. 247. To provide that any law to the contrary notwithstanding, any person who sells his real or personal property and who retains a mortgage or other security interest in such property, may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Also:

By Rep. Gafford:

H. 9. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 10. To the Committee on Governmental Affairs.

H. B.'s 245, 154, 247, and 9. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J) (with notice and proof):

H. 117. Relating to Madison County; relating to Section 2 of Act No. 79-794, S. 564 of the 1979 Regular Session (Acts 1979, p. 1451) which provides alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes, so as to repeal said section 2.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 117, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 451. Relating to Washington County; to authorize and legalize the sale of fireworks in said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 451, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 450. To provide for the licensing and performance bonding of any person, firm, corporation or partnership who contracts and installs septic tanks, grease traps and subsurface sewage disposal fields on a commercial basis in Washington County to require that such sewage disposal systems be installed properly within allowable limits of slope with a level-sighting instrument; to provide that the number of the level-sighting instrument owned or leased by such contractor or installer shall be recorded on the face of the annual license; to provide that said contractor or installer must be proficient in the use of said instrument; to require that each septic tank, grease trap and subsurface sewage disposal system pass the inspection of the county health officer or his duly authorized representative before the electrical utility company or cooperative serving such connected structure may transfer the electrical power from the temporary electrical service construction pole to the permanent electrical service equipment panel and meter; to provide for proper water percolation testing of the soil in order to calculate the adequate length and proper design of field lines; and to provide that in addition to other remedies provided by law, the county health officer of Washington County may bring an action to obtain an injunction against anyone commercially installing septic tanks, grease traps, and subsurface sewage disposal fields, restraining them from engaging in such activities either without a license or in an improper manner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 450, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 301, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cates and Wyatt (with notice and proof):

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 410, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sasser, Williams, Smith (C), Edwards, Wyatt, Warren, Harper (O), Dial and Adams (H):

H. 199. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1981, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

By Rep. Starkey:

H. 133. To amend Section 15-9-2 of the Code of Alabama 1975 so as to increase the amount of rewards that may be offered by a municipal governing body for information leading to the arrest and conviction of guilty persons.

Also:

By Rep. Biddle:

H. 33. To further provide for the mode of execution whenever any person is sentenced to death and such person has made a notice of intent to make a gift of all or part of his body under the provisions of the Alabama Uniform Anatomical Gift Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 117, 451, 450, 301, and 410. To the Committee on Local Legislation No. 1.

H. B.'s 199 and 133. To the Committee on Finance and Taxation.

H. B. 33. To the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

By Mr. Higginbotham:

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

By Mr. Callahan:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (With Substitute):

S. 30. To amend Section 25-5-90 of the Code of Alabama, 1975, which relates to attorney fees in workmen compensation cases, so as to remove the provision requiring the approval of employment of an attorney by the judge of the circuit court; and to eliminate, in certain cases, the requirement for the circuit court judge to set the attorney fee.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 57. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

By Mr. Figures:

S. 168. To amend Section 6-10-123 of the Code of Alabama 1975 to provide that for any waiver of exemption rights to be enforceable, the party asserting waiver must plead and, if controverted, prove to the reasonable

satisfaction of the trier of fact that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

By Mr. Little:

S. 186. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

By Mr. Bailey:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

By Mr. Bailey:

S. 47. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 175. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to determine teacher units on the basis of "Average Daily Membership".

By Mr. Little:

S. 187. To establish appropriate procedures for administering the funds appropriated from the Alabama Special Educational Trust Fund for Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Waggoner:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Keener, Robertson, deGraffenried, Teague, Denton, Parsons, Figures, Vacca, Holmes, Hall and Britnell:

S. 79. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

By Messrs. Goodwin, Keener and Taylor:

S. 191. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

By Messrs. Taylor, Goodwin and Keener:

S. 193. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 135. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

By Mr. Bailey:

S. 136. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

By Mr. Bailey:

S. 137. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Amendment):

S. 140. To amend § 27-12-7, Code of Alabama 1975 willfully making false statements, under oath, required under the Alabama Insurance Code a felony. To allow venue to be Montgomery County when the statement is required to be filed with the Commissioner of Insurance.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 188. To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Substitute) (With Amendment):

S. 194. To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property, and to require adequate coverage of buildings and property.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Substitute):

S. 177. To amend section 40-8-1 of the Code of Alabama 1975, related to the assessment rate for ad valorem taxes, so as to redefine residential property.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 21. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

Also:

S. J. R. 22. CONGRATULATING THE 1979 STATE 4A FOOTBALL CHAMPIONS, THE WILDCATS OF ENTERPRISE HIGH SCHOOL.

Also:

S. J. R. 23. PRAISING THE ENTERPRISE HIGH SCHOOL WILDCAT MARCHING BAND, RECENTLY DESIGNATED AS ONE OF THE "TOP TEN BANDS IN THE UNITED STATES."

Also:

S. J. R. 24. RECOMMENDING THAT ALL SCHOOL SYSTEMS ALLOW OFFICIAL REPRESENTATION OF MILITARY FORCES REASONABLE ACCESS TO CERTAIN SCHOOL FACILITIES FOR RECRUITING PURPOSES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 16. COMMENDING MR. PRENTISS BAUGHMAN OF BALDWIN COUNTY, ALABAMA, FOR OUTSTANDING PERFORMANCE OF DUTY.

Also:

S. J. R. 17. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO BALDWIN COUNTY COMMISSIONER JAMES J. BOYINGTON.

Also:

S. J. R. 19. REQUESTING THE UNITED STATES CONGRESS AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO ALTER REGULATIONS GOVERNING ADMINISTRATION OF MEDICAID PROGRAM.

JOHN W. PEMBERTON,
Clerk.

MOTION IN WRITING

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 171, on page 20 of the Fifth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 171, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. NOTING THE OCCASION OF ROTARY INTERNATIONAL'S 75TH ANNIVERSARY.

WHEREAS, the Legislature of Alabama is pleased to note the occasion of the 75th anniversary of Rotary International, observed February 17-23, 1980; and

WHEREAS, Rotary is an international service organization with its membership composed of business and professional executives united in the one common purpose of making the world a better place in which to live; and

WHEREAS, Rotarians believe that the universal application of tolerance and friendliness would bring about the international peace so earnestly desired by everyone, and their activities, directed toward that end, also include community betterment projects, programs designed to lead boys and girls into good citizenship and the promotion of high standards in business and professions; and

WHEREAS, founded in Chicago in 1905, with one club and five members, Rotary International has grown through the years to encompass 18,409 clubs with a total membership of some 853,000 Rotarians in 153 countries throughout the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That supportive also of the advancement of international understanding, good will and peace, we most highly commend Rotary International for its purpose of being and offer our congratulations to all Rotarians on the 75th anniversary of Rotary International.

BE IT FURTHER RESOLVED, That this resolution be duly recorded and included in the permanent proceedings of the Alabama Legislature.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Robertson, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

WHEREAS, Savilla Katherine Thompson Simmons, known to all as "Miss Kate", has rendered fifty-one years of loyal and dedicated service to the State of Alabama; and

WHEREAS, Miss Kate has faithfully served every governor since Governor Bibb Graves in 1930; and

WHEREAS, her retirement on January 31, 1980 marked the end of an illustrious career as Alabama's No. 1 public servant; and

WHEREAS her presence will be sorely missed by everyone who has known and worked with her over the years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama hereby expresses our most heartfelt appreciation to Mrs. Kate Simmons for the decades of unselfish service she has rendered to the State of Alabama.

BE IT FURTHER RESOLVED, that the desk and typewriter which Miss Kate used during her tenure as Recording Secretary to the Governor's Office be presented to Miss Kate as a token of appreciation and esteem from the people of Alabama and in recognition of a job well done.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Weeks, White, Kirkland and Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 40. DIRECTING THE CAPITOL RESTORATION STEERING COMMITTEE TO RESCIND ITS APPROVAL OF CERTAIN MATERIALS SCHEDULED FOR USE IN THE RESTORATION AND REPAIR OF OUR STATE CAPITOL.

WHEREAS, it recently has come to the attention of the Alabama Legislature that certain materials have been approved for use in the restoration and repair of our State Capitol that are totally incongruous in point of original time of construction; and

WHEREAS, more specifically, we have been apprised that current plans call for the use of aluminum framed windows in lieu of wood framing which, of course, was originally used; and

WHEREAS, Alabama's Capitol is an historical landmark of such eminence as to mandate its restoration as close to primary form as is humanly possible; and

WHEREAS, it is inconceivable to the members of this Legislature that the Capitol Restoration Steering Committee would approve the replacement of our Capitol's wood framed windows with a material such as aluminum, a product of such recent vintage as to be tantamount to anachronism; long lasting woods are available and should be used to preserve the originality of a building which is a monument to our heritage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Capitol Restoration Steering Committee is hereby directed to review its specification approvals for the Capitol's restoration for the purpose of changing said specifications to call for the use of original materials, if available, in all work that is done.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the above named committee that, as a body, they may take immediate steps to comply with this directive.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. NAMING THE NATIONAL GUARD ARMORY AT TUSKEGEE, ALABAMA, "FORT BENJAMIN O. DAVIS."

WHEREAS, Benjamin O. Davis, Sr., served our state and the nation in the United States Army for some fifty years; and

WHEREAS, Benjamin O. Davis, Sr., became the first black general in the United States Army; and

WHEREAS, his son, Benjamin O. Davis, Jr., equally served his state and nation in a distinguished and meritorious way; he presently is a retired three-star general whose career assignment included a tour of duty as instructor at Tuskegee Institute during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Guard Armory at Tuskegee, Alabama, is hereby named and designated as "Fort Benjamin O. Davis" in honor of these two great Americans, Benjamin O. Davis, Sr., and Benjamin O. Davis, Jr.

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after both Benjamin O. Davis, Sr., and Benjamin O. Davis, Jr.

RESOLVED FURTHER, That copies of this resolution be sent to General Benjamin O. Davis, Jr., and other family members as evidence of this honorary designation bestowed in appreciation in praise.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 155, on page 6 of the Fifth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 55, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. Smith, McDonald, and Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. COMMENDING THE ALABAMA A & M SOCCER TEAM, 1979 NATIONAL CHAMPIONS.

WHEREAS, the State of Alabama is proud indeed of the national championship brought home to our state by the outstanding soccer team of Alabama A & M University; and

WHEREAS, first in '77, second in '78, it was the top spot once again for A & M by virtue of a 2-0 victory over a powerhouse Eastern Illinois team in the championship game played in Miami, Florida; and

WHEREAS, under Coach Salah Yousif's talented leadership, A & M, playing in NCAA Division II, finished its regular season with a phenomenal 21-1 record and, during a 10-day tour of Bermuda, the team played four games, winning all four, to become the first team in ten years to accomplish such a feat; and

WHEREAS, Gebru Walde Amanuel was named Most Valuable Player in this NCAA tournament, and his superb performance was both backed and complemented by the all-out effort of his 20 champion teammates, all of whom contributed greatly to A & M's capture of the National Crown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the National Championship Alabama A & M University Soccer Team and voice our deep appreciation for the fame and honor they have brought to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach Yousif, on behalf of the entire team, that they may know of this body's deep pride and pleasure in their National Soccer Championship.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	Martin	St. John
Barron	Glass	McDonald	Smith
Britnell	Goodwin	Miller	Teague
Callahan	Hall	Mitchem	Weeks
Clemon	Holmes	Parsons	White
Cook	Kirkland		

—25

Nays:

—0

The Bill:

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

was read a third time at length and passed.

REGULAR SESSION
5th Day

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Clemon	Keener	Pearson	Weeks
Cook	Kirkland	Robertson	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson
Bailey	Figures	Martin	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Pearson	White
Cook	Lemaster		

—25

Nays: —0

The Bill:

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Goodwin
Bailey	Callahan	Denton	Hall
Barron	Clemon	Figures	Holmes

Keener	Miller	Smith	Vacca	
Kirkland	Parsons	Taylor	Weeks	
Little	Pearson	Teague	White	
Martin	Robertson			—25

Nays: —0

The Bill:

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217) which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Robertson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Robertson	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

was read a third time at length and passed.

REGULAR SESSION
5th Day

171

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Martin	Taylor
Barron	Goodwin	Miller	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Robertson	White
Cook	Kirkland		

—25

Nays: —0

The Bill:

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Robertson	White
Cook	Little		

—25

Nays: —0

The Bill:

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Smith
Bailey	Glass	Little	Taylor
Barron	Goodwin	Miller	Teague
Britnell	Gulledge	Parsons	Vacca
Callahan	Hall	Pearson	Weeks
Clemon	Holmes	Proctor	White
deGraffenried	Keener		

—25

Nays: —0

The Bill:

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	St. John	
Bailey	Goodwin	McDonald	Smith	
Barron	Gulledge	Miller	Taylor	
Clemon	Hall	Parsons	Teague	
Cook	Harrison	Pearson	Weeks	
Denton	Holmes	Proctor	White	
Figures	Kirkland			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Moore:

H. J. R. 49. CONGRATULATING MR. AND MRS. RUFUS E. BRASHER ON THEIR DIAMOND WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 49, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Warren and McMillan:

H. J. R. 29. ENCOURAGING THE UNITED STATES CONGRESS, THROUGH APPROPRIATE CHANNELS, TO INCREASE FUNDING IN THE BUDGET OF THE FOREST SERVICE, USDA, THAT SUPPORTS MORE FREQUENT FOREST SURVEYS IN THE STATES.

WHEREAS, due to world economic and political situations affecting the availability of other natural resources, the timber resources of the United States and Alabama are becoming more and more critical to the vital economic needs of Americans. The extent of the need for wood fiber and fuel wood in the past six years could not have been predicted at the time of the last Forest Survey in Alabama. These changes in economic needs may even have made survey methods at that time obsolete; more information is now needed about wood biomass than is available in outdated publications; and

WHEREAS, the USDA Forest Service estimated that timber removals increased 115 million cubic feet from 1971 to 1974, which is an average annual increase of five percent. This rapidly changing situation in timber cut necessitates complete and current information about Alabama's timber resources in order to adequately match timber growth efforts to demands for timber products at prices that are within acceptable inflationary levels; and

WHEREAS, current information on timber inventories, growth rates and removals are necessary for orderly and planned forest industrial development. The pulp and paper industry is the fastest growing industry in Alabama, with an average compound rate of growth of 12.1 percent (the second fastest growing industry is fabricated metals with a 9.9 percent growth rate). The wood products industries (pulp and paper and lumber and wood products) accounted for 23 percent of all capital expenditures for manufacturing industries in Alabama in 1976 (the latest year for which complete information is available). It is imperative to have current information on timber resources in order to adequately guide industrial expansion as well as timber growth programs, both public and private; and

WHEREAS, timber is only one resource among many others associated with forest land. Other uses of forest land are expanding rapidly, along with timber, which results in additional pressures being placed on the forests of Alabama. Current and complete information is needed for these other resources which include wildlife habitat, watershed values, forage for domestic livestock and esthetic values. The Forest Survey can collect much needed information on these other vital resources, which also have an impact on the timber resource; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the time interval between Forest Surveys of 10 years needs to be reduced to intervals of not more than five years to improve the usefulness of all data. This effort can be made possible in Alabama under Forest Service leadership by the support of the forest industries and the Alabama Forestry Commission.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to both houses of the United States Congress that they may be aware of this body's support of more frequent forest surveys in the states for the purpose of keeping more current with all available data provided by such surveys.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 29, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 34. Relative to meeting dates: Tuesday, February 26, 1980; Thursday, February 28, 1980; Tuesday, March 4, 1980; Thursday, March 6, 1980; Tuesday, March 18, 1980; Thursday, March 20, 1980.

Also:

H. J. R. 36. COMMENDING THE ALABAMA STATE UNIVERSITY BASKETBALL TEAM.

Also:

H. J. R. 38. HONORING COUNTY AGENT T. L. SANDERSON UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

H. J. R. 39. WISHING RALPH C. HOLMES A SPEEDY RECOVERY.

Also:

H. J. R. 40. CONGRATULATING AND COMMENDING OUR FORMER COLLEAGUE, CAIN KENNEDY OF MOBILE, ALABAMA.

Also:

H. J. R. 42. MOURNING THE DEATH OF PAUL THOMAS FOX.

Also:

H. J. R. 45. COMMENDING CAPTAIN ROBERT M. MILLER OF BIRMINGHAM UPON HIS RETIREMENT.

Also:

H. J. R. 46. NOTING THE OCCASION OF MRS. JENNIE ELIZABETH PEMBERTON'S 100TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to further consideration of the Unfinished Business for today, the first of which was the Bill:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

The question was on the Keener substitute and the Cook amendment, which said substitute and amendment are set out in the Journal of the Senate for the Fourth Legislative Day.

And said Cook amendment to the substitute for the Bill, S. B. 3, was then adopted by the Senate.

Yeas 14; Nays 10.

Yeas:

Messrs.:	Glass	Lemaster	Taylor	
Britnell	Goodwin	Martin	Vacca	
Cook	Gulledge	Miller	White	
Denton	Higginbotham	Mitchem		—14

Nays:

Messrs.:	Holmes	Little	St. John	
Bailey	Keener	McDonald	Teague	
Hall	Kirkland	Parsons		—10

Mr. White offered the following amendment to the substitute, as amended, for the Bill, S. B. 3, to-wit:

AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR S. B. 3

Amend Keener substitute, as amended, for S. 3 as follows:

On page 9, after line 15, insert the following new language after the word "act.":

Each rule or regulation promulgated, whether the original or a revision, and all copies thereof, shall have the name or names, of the author or authors, respectively, on its face.

Which was adopted.

Mr. Callahan offered the following amendment to the substitute, as amended, for the Bill, S. B. 3, to-wit:

AMENDMENT TO KEENER SUBSTITUTE,
AS AMENDED, FOR S. B. 3

Amend Senate Bill 3, on page 3, line 28, immediately following the word "include" by inserting the following:

"boards of trustees of post-secondary institutions, county school boards, city school boards,"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Callahan	Hall	McDonald	Teague	
Cook	Harrison	Miller	Vacca	
deGraffenried	Higginbotham	Mitchem	Weeks	
Denton	Holmes	Parsons	White	
Glass	Keener			—25

Nays: —0

BILLS RE-REFERRED

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said Committee, in session, had acted on the following Bills, S. B.'s 203 and 286, and ordered same returned to the Senate with the recommendation that they be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 203 and 286, re-referred to the Standing Committee on Governmental Affairs.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 3 and 71, the Senate adjourned until Thursday, February 21, 1980, at 12 o'clock Noon.

REGULAR SESSION
6th Day

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SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 21, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Don Denmark, Pastor, Harvest Time Church of God, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 29. ENCOURAGING THE UNITED STATES CONGRESS, THROUGH APPROPRIATE CHANNELS, TO INCREASE FUNDING IN THE BUDGET OF THE FOREST SERVICE, USDA, THAT SUPPORTS MORE FREQUENT FOREST SURVEYS IN THE STATES.

Also:

H. J. R. 49. CONGRATULATING MR. AND MRS. RUFUS E. BRASHER ON THEIR DIAMOND WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

Also:

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

Also:

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

Also:

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

Also:

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

Also:

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

Also:

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

Also:

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

Also:

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Vacca (with notice and proof):

S. 331. To amend Act No. 210 of the Regular Session of the Legislature of Alabama 1975 (Alabama Acts 1975, Pages 482 and 483) authorizing the governing body of any county of this state having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county five (5) administrative assistants to the said governing body to serve at the pleasure of the governing body.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill S. B. 331 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hall:

S. 332. To provide that non-certificated employees of local boards of education, Alabama Institute for Deaf and Blind, Department of Youth Services and state postsecondary institutions shall receive compensation for accumulated sick leave upon retirement for up to 90 days.

Committee on Education.

By Mr. deGraffenried:

S. 333. To amend Section 38-4-1 of the Code of Alabama 1975 which relates to persons to whom public assistance is payable by deleting the 18 year age limitation for aid to the permanently and totally disabled.

Committee on Finance and Taxation.

By Mr. Little:

S. 334. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Committee on Finance and Taxation.

By Mr. Little:

S. 335. To provide for the exemption from the estate in bankruptcy proceedings.

Committee on Judiciary.

By Messrs. Harrison and Barron:

S. 336. To prohibit certain state employees from serving in more than one job and to prescribe penalties for violating this act.

Committee on Governmental Affairs.

By Mr. Gullledge (with notice and proof)

S. 337. Relating to Mobile County; to amend Act No. 1150, H. 1243, 1975 Regular Session (Acts 1975, p. 2274), so as to increase the membership of the Mobile County Board of School Commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 337 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 338. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Committee on Finance and Taxation.

By Mr. Callahan:

- S. 339. To provide for a minimum salary for certain probate judges.
Committee on Finance and Taxation.

By Messrs. Parsons and Robertson:

S. 340. To provide for preference for American products in purchases by the state of Alabama and subdivisions and agencies thereof; to provide conditions under which domestic products of the United States and its territories and possessions shall be given preference; and to provide for liquidated damages for breach of contract to use domestic products.

Committee on Judiciary.

By Mr. Pearson:

S. 341. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their appointment.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Clemon:

S. 342. To amend Section 16-7-2, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven to conform to the congressional districts in the state.

Committee on Education.

RESOLUTION

Messrs. Callahan, Gullledge, and Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. Commending the University of South Alabama's Basketball team, and Coach Cliff Ellis, for winning the Sun Belt Conference Championship for the second year in a row.

WHEREAS, the State of Alabama has been recognized for excellence in all fields of university sports, and

WHEREAS, the University of South Alabama's Basketball team, directed by Coach Cliff Ellis, has achieved an overall record this season of 22 wins against only 4 losses, and

WHEREAS, that same basketball team has won the Sun Belt Conference Championship for the past two years, and

WHEREAS, the South Alabama Basketball team has consistently filled the Municipal Auditorium for their home games, showing the overall enthusiasm of the citizens of Mobile, and

WHEREAS, the University of South Alabama Athletic Department has received numerous inquiries about the basketball program from prospective student-athletes all across the fifty states,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that Coach Cliff Ellis and the entire University of South Alabama Basketball team be commended for the outstanding job that they have done in winning the Sun Belt Conference Championship for the second year in a row, and for the excellent job that this basketball program has done in helping to promote the sport of basketball not only in Alabama but throughout the nation.

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to Coach Cliff Ellis of the University of South Alabama.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 168, on page 23 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 168, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 44. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE STATE SUPREME COURT RELATIVE TO THE CONSTITUTIONALITY OF S. B. 55. OF THE 1980 LEGISLATIVE SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court of a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 55, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Senate Bill 55 of the pending legislative session, which levies an excise tax on the sale of gasohol, conflict with Section 70 of the 1901 Alabama Constitution which section provides in part that "All bills for raising revenue shall originate in the house of representatives."?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send a sufficient number of true copies of the pending bill, S. B. 55, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to Act No. 80-6, H. J. R. 12, Regular Session, 1980, Joint Committee to Investigate the Alleged Funding Improprieties, Investment

Inadequacies and other Fiscal Discrepancies in Higher Education, the Speaker has appointed Messrs. Richard S. Manley, James M. Campbell, Jim Smith, Nelson R. Starkey, Jr. and Eric O. Cates, Jr.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 141. Relating to debtor exemptions; providing that the federal exemptions in Section 522(d) of the Bankruptcy Act of 1978 (11 U.S.C. & 522 (d)) are not available to persons residing in this state; providing an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 141. To the Committee on Judiciary.

RESOLUTION

Messrs. Little and Miller offered the following Senate Resolution, to-wit:

S. R. 45. MOURNING THE DEATH OF MR. MONROE JACKSON NEWBERRY OF ANDALUSIA, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hammett and Holley (with notice and proof):

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 165 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 436 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 484 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 165, 436, and 484. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Pegues:

H. J. R. 53. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

WHEREAS, the Congress of the United States currently is considering the enactment of a tax on windfall profits of American oil companies; and

WHEREAS, understandably there has been considerable discussion and disagreement regarding the ultimate disposition of the proceeds which would be realized from such a tax; and

WHEREAS, since 1967 costs for construction, operation and maintenance of highways have increased by nearly one hundred eighty-seven percent; and

WHEREAS, the unprecedented inflation in highway construction and maintenance costs continuing demand for highway travel and uncertain growth in fuel consumption have prevented the traditional road-user taxes from meeting the street, road and highway needs of this country; and

WHEREAS, the projected shortfall in the available funding for highway purposes is caused by our inflationary economy, by conservation and ecological concerns, by the dramatic price rise in foreign petroleum and by the increased costs of labor and materials which cannot be controlled by state transportation authorities; and

WHEREAS, this revenue problem has created a national problem of the utmost seriousness and urgency; and

WHEREAS, the inability to adequately maintain our highway systems imposes increasing costs on the transportation of people and products, adds to the inflationary spiral and poses and increasing safety hazard to our citizens as the highways continue to deteriorate; and

WHEREAS, the continued maintenance of an adequate highway system is crucial to our economy, well-being and national security; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most earnestly beseech the President and the Congress of the United States to apply the revenues derived from any windfall profits tax on oil companies toward the repair and revitalization of the National Defense Highway System.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives transmit copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation in Washington, D.C., for their prompt consideration and endorsement and as a means of communication to our national leaders the broad support which this proposal enjoys.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 53, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

H. J. R. 59. COMMENDING MRS. MADELINE McDANIEL KENNEDY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Adams, (C), Adams, (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, (O), Harper, (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson, (R G.), Johnson, (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis,

McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith, (C), Smith, (J), Smith, (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 52. MOURNING THE DEATH OF FORMER REPRESENTATIVE H. H. O'DANIEL.

Also:

By Rep. Clark:

H. J. R. 54. COMMENDING A&M UNIVERSITY QUARTERBACK CLEVELAND AUSTIN FOR OUTSTANDING PERFORMANCE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 52, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 51. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Joint Interim Committee to Study Salaries and Related Matters, created under H. J. R. 61, Act 79-76, 1979 Regular Session of the Legislature, be given an extension of time to report their findings and recommendations to the 1980 Regular Session of the Legislature.

Said committee shall make their final report to both houses not later than the 30th Legislative day, and after having made said report the Joint Interim Committee to Study Salaries shall terminate.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTIONS IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 174, on page 18 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 174, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. St. John offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 217, on page 7 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 217, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MOTIONS IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 188, on page 27 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 188, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Teague offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 111, on page 14 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 111, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 187, on page 22 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 187, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 118, on page 15 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 118, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 126, on page 18 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 126, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same return to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 36. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Martin and St. John (with notice and proof):

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 119. To provide the State Department of Pensions and Security with additional income from State income tax refunds designated by taxpayers to be paid to the State Department of Pensions and Security for the purpose of relieving persons in this State from the distress of poverty, to promote selfcare, enlarge their economic opportunities, and to stimulate persons to greater efforts in helping themselves to become self-supporting, to provide protective services and foster care to children and adults who are in danger of abuse or exploitation and for other welfare purposes.

By Mr. Teague:

S. 109. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

By Mr. Pearson:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

By Mr. Pearson:

S. 102. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Education Trust Fund.

By Mr. Holmes:

S. 55. To provide for the rate of excise tax on gasohol as defined by this act; and to further provide that for all other purposes the term gasohol shall be included within the term gasoline as defined by Section 40-17-30 of the Code of Alabama 1975.

By Mr. Keener

S. 27. To amend Section 8-8-10 of the Code of Alabama 1975 so as to further provide for the rate of interest on money judgments and costs.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White, Glass, Proctor, Robertson, Harrison, Barron, deGraffenried, Goodwin, Parsons, Cook, Gullede, Vacca, Teague and Higginbotham (With Amendment):

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 326. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any Municipality in the State of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such Municipalities; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or

other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Robertson, Britnell and Glass (With Amendment):

S. 249. To amend Sections 38-10-6 and 38-10-9 of the Code of Alabama 1975, so as to prescribe that certain grandparents of any illegitimate child are included in the persons who have a legal duty of support, under the Child

Support Act of 1979, for any aid rendered by the county or state departments of pensions and security in the grandchild's behalf, and the cost of such aid becomes a debt due and owing the department.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. St. John, Higginbotham, Little, Denton, Gulledge, Bailey, Parsons, McDonald, Lemaster, Taylor and Smith (With Substitute):

S. 221. Proposing a further amendment to Amendment No. 225 of the Constitution of 1901; and providing for the revenues resulting from such repealer.

The above Bill was read a second time at length as required by the Constitution.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. St. John, Higginbotham, Little, Denton, Gulledge, Bailey, Parsons, McDonald, Lemaster and Taylor (With Substitute) (With Amendment):

S. 220. To propose a constitutional amendment amending further Amendment No. 212, Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate.

The above Bill was read a second time at length as required by the Constitution.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

The question was on the Keener substitute, as amended, for the Bill, S. B. 3, which said substitute is set out in the Journal of the Senate for the Fourth Legislative Day.

On motion of Mr. Keener, unanimous consent was granted to postpone further consideration of the Bill, S. B. 3, and pending substitute, until the next Legislative Day as Unfinished Business.

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 118 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Mr. DeGraffenried offered the following substitute for the Bill, S. B. 71, to-wit:

SUBSTITUTE FOR S. B. 71

A BILL TO BE ENTITLED AN ACT

To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Be It Enacted by the Legislature of Alabama:

SECTION 1. SHORT TITLE AND PURPOSES.

This Act shall be known and may be cited as the Alabama Business Corporation Act.

Corporations may be organized under this Act for any lawful purpose or purposes.

SECTION 2. DEFINITIONS.

As used in this Act, unless the context otherwise requires, the term:

(a) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(b) "Authorized shares" means the share of all classes which the corporation is authorized to issue.

(c) "Capital surplus" means the entire surplus of a corporation other than its earned surplus."

(d) "Corporation" or "domestic corporation" means a corporation for profit subject to the provisions of this Act, except a foreign corporation.

(e) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

(f) "Employee" includes officers but not directors. A director may accept duties which make him also an employee.

(g) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this State for a purpose or purposes for which a corporation may be organized under this Act.

(h) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

(i) "Net assets" means the amount by which the total assets of a corporation exceed the total debts of the corporation.

(j) "Partner" includes partners in general partnerships and limited partnerships.

(k) "Partnership" includes general partnerships and limited partnerships.

(l) "Probate Judge" means the probate judge of the county in which the corporation's articles of incorporation are filed or, in the case of corporations existing on the effective date of this Act, the corporation's certificate of incorporation was filed, unless otherwise provided in this Act.

(m) "Shareholder" means one who is a holder of record of shares in a corporation. If the article of incorporation or the by-laws so provide, the board of directors may adopt by resolution a procedure whereby a shareholder of the corporation may certify in writing to the corporation that all or a portion of the shares registered in the name of such shareholder are held for the account of a specified person or persons. The resolution shall set forth (1) the classification of shareholder who may certify, (2) the purpose of purposes for which the certification may be made, (3) the form of certification and information to be contained therein, (4) if the certification is with respect to a record date or closing of the stock transfer books, the time within which the certification must be received by the corporation and (5) such other provisions with respect to the procedure as are deemed necessary or desirable. Upon receipt by the corporation of a certification complying with the procedure, the persons specified in the certification shall be deemed, for the purpose or purposes set forth in the certification, to be the holders of record of the number of shares specified in place of the shareholder making the certification.

(n) "Shares" means the units into which the proprietary interests in a corporation are divided.

(o) "Stated capital" means, at any particular time, the sum of (1) the par value of all shares of the corporation having a par value that have been issued, (2) the amount of the consideration received by the corporation for all

shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (3) such amounts not included in clauses (1) and (2) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation for the purpose of computing fees and other charges imposed by law, except franchise taxes.

(p) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(q) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(r) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been cancelled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(s) "Verified" means supported by an affidavit or oath confirming the correctness, truth or authenticity of the matters set forth therein.

SECTION 3. GENERAL POWERS.

Each corporation shall have power:

(a) To have perpetual succession by its corporation name unless a limited period of duration is stated in its articles of incorporation.

(b) To sue and be sued, complain and defend, in its corporate name.

(c) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(d) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(e) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(f) To lend money and use its credit to assist its employees.

(g) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district, or municipality or of any instrumentality thereof.

(h) To make contracts, guarantees, and indemnity agreements and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its

obligations by mortgage, pledge of, or creation of security interests in, all or any of its property, franchises, or income, or any interest therein, not inconsistent with the provisions of the Constitution of Alabama as the same may be amended from time to time.

(i) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(j) To conduct its business, carry on its operations and have offices and exercise the powers granted by this Act, within or without this State.

(k) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(l) To make and alter by-laws, not inconsistent with its articles of incorporation or with the laws of this State, for the administration and regulation of the affairs of the corporation.

(m) To make donations for the public welfare or for charitable, scientific, or educational purposes.

(n) To transact any lawful business which the board of directors shall find will be in aid of governmental policy.

(o) To pay pensions and establish pension plans, pension trust, profit sharing plans, stock bonus plans, stock options plans and other incentive plans for any or all or its directors, officers and employees.

(p) To be a promoter, incorporator, partner, member, trustee, associate, or manager of any domestic or foreign corporation, partnership, joint venture, trust, or other enterprise.

(q) To consolidate or merge, before or after the completion of its works or plants, in the manner herein provided, with any other foreign or domestic corporation or corporations; but no corporation formed for the purpose of carrying on the business of banking or insurance shall consolidate or merge with any other corporation than corporations engaged in the business of banking or insurance or trust companies doing a banking business. No railroad shall consolidate or merge with any other than railroad corporations or companies; but when any two or more railroads or contemplated railroads, which, when completed will admit the passage of burden or passenger cars over any two or more such railroads, continuously and without break or interruption directly or by means of intervening lines, such companies may, before or after completion, consolidate or merge.

(r) To have and exercise all powers necessary or convenient to effect its purposes.

SECTION 4. INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS.

(a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened pending, or completed claim, action, suit, or proceeding, whether civil, criminal, administrative or investigative, including appeals, (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee, or agent of another corporation, partnership, joint venture, trust, or other

enterprise, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such claim, action, suit, or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, has no reasonable cause to believe his conduct was unlawful. The termination of any claim, action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, action, or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee, or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(c) To the extent that a director, officer, employee, or agent of a corporation has been successful on the merits of otherwise in defense of any action, suit, or proceedings referred to in subsections (a) and (b), or in defense of any claim, issue, or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith, notwithstanding that he has not been successful on any other claim, issue or matter in any such action, suit or proceeding.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee, or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) and (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to, or who have been wholly successful on the merits or otherwise with respect to, such claim, action, suit or proceeding, or (2) if such a quorum is not obtainable, or, even if obtainable, a quorum of disinterested directors so directs so directs, by independent legal counsel in a written opinion, or (3) by the shareholders.

(e) Expenses (including attorneys' fees) incurred in defending a civil or criminal claim, action, suit, or proceeding may be paid by the corporation in advance of the final disposition of such claim, action, suit, or proceeding as authorized in the manner provided in subsection (d) upon receipt of an

undertaking by or on behalf of the director, officer, employee, or agent to repay such amount if and to the extent that it shall be ultimately determined that he is not entitled to be indemnified by the corporation as authorized in this section.

(f) The indemnification authorized by this section shall not be deemed exclusive of and shall be in addition to any other right (whether created prior or subsequent to the enactment of this section) to which those indemnified may be entitled under any statute, rule of law, provisions of articles of incorporation, by-law, agreement, vote of shareholders or disinterested directors, or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such a person.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

SECTION 5. RIGHT OF CORPORATION TO ACQUIRE AND DISPOSE OF ITS OWN SHARES.

A corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge, and transfer or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only to the extent of unreserved and unrestricted earned surplus available therefor, and, if the articles of incorporation so permit or with the affirmative vote of the holders of two-thirds of all shares entitled to vote thereon, to the extent of unreserved and unrestricted capital surplus available therefor.

To the extent that earned surplus or capital surplus is used as the measure of the corporation's right to purchase its own shares, such surplus shall be restricted so long as such shares are held as treasury shares, and upon the disposition or cancellation of any such shares the restriction shall be removed *pro tanto*.

Notwithstanding the foregoing limitation, a corporation may purchase or otherwise acquire its own shares for the purpose of:

- (a) Eliminating fractional shares.
- (b) Collecting or compromising indebtedness to the corporation.
- (c) Paying dissenting shareholders entitled to payment for their shares under the provisions of this Act.
- (d) Effecting, subject to the other provisions of this Act, the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price.

No purchase of or payment for its own shares shall be made at a time when the corporation is insolvent or when such purchase would make it insolvent.

SECTION 6. DEFENSE OF ULTRA VIRES.

No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(a) In a proceeding by a shareholder against the corporation to enjoin the doing of any act or the transfer of real or personal property by or to the corporation. If the unauthorized act or transfer sought to be enjoined is being, or is to be, performed or made pursuant to a contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(b) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through shareholders in a representative suit, against the incumbent or former officers or directors of the corporation.

(c) In a proceeding by the Attorney General, as provided in this Act, to dissolve the corporation, or in a proceeding by the Attorney General to enjoin the corporation from the transaction of unauthorized business.

SECTION 7. CORPORATE NAME.

The corporate name:

(a) Shall contain, in the case of any corporation organized after the effective date of this Act, the word "corporation" or "incorporated" or shall contain an abbreviation of one of such words.

(b) Shall not contain, in the case of any corporation organized after the effective date of this Act, any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State or any foreign corporation authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in this Act, or the name of a corporation which has in effect a registration of its corporate name as provided in this Act, except that this provision shall not apply if the applicant files with the Secretary of State either of the following: (1) the written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name, or (2) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this State.

A corporation with which another corporation, domestic or foreign, is merged, or which is formed by the reorganization or consolidation of one or more domestic or foreign corporations or upon the sale, lease, or other disposition to or exchange with, a domestic corporation of all or substantially all the assets of another corporation, domestic or foreign, including its name, may have the same name as that used in this State by any of such corporations if such other corporations was organized under the laws of, or is authorized to transact business in, this State.

SECTION 8. RESERVED NAME.

The exclusive right to the use of a corporate name may be reserved by:

- (a) Any person, partnership, domestic corporation, or foreign corporation intending to organize a corporation under this Act.
- (b) Any domestic corporation intending to change its name.
- (c) Any foreign corporation intending to make application for a certificate of authority to transact business in this State.
- (d) Any foreign corporation authorized to transact business in this State and intending to change its name.
- (e) Any person, partnership, domestic corporation, or foreign corporation intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this State.

The reservation shall be made by filing with the Secretary of State an application to reserve a specified corporate name, executed by the applicant and, in the case of a domestic corporation, specifying the county in which the corporation was or is proposed to be incorporated. The name may also be reserved by telephone or other electronic means, subject to such requirements as the Secretary of State may establish for reservation of corporate name by such means. If the Secretary of State finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of 120 days and shall issue to the applicant a certificate showing that the name has been reserved and, in the case of a domestic corporation, specifying the county in which the corporation has been or is proposed to be incorporated.

The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person, partnership, domestic corporation or foreign corporation by filing in the office of the Secretary of State a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

SECTION 9. REGISTERED NAME.

Any corporation organized and existing under the laws of any state or territory of the United States may register its corporate name under this Act, provided its corporation name is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State, or the name of any foreign corporation authorized to transact business in this State, or any corporate name reserved or registered under this Act.

Such registration shall be made by:

(a) Filing with the Secretary of State (1) an application for registration executed for the corporation by an officer thereof, setting forth the name of the corporation, the state of territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is carrying on or doing business, and a brief statement of the business in which it is engaged, and (2) a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the Secretary of State of such state or territory or by such other official as may have custody of the records pertaining to corporations, and

(b) Paying to the Secretary of the State a registration fee in the amount of one dollar for each month, or fraction thereof, between the date of filing such application and December 31st of the calendar year in which such application is filed, but not less than five dollars.

Such registration shall be effective until the close of the calendar year in which the application for registration is filed.

SECTION 10. RENEWAL OF REGISTERED NAME.

A corporation, which has in effect a registration of its corporate name, may renew such registration from year to year by annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration and by paying a fee of \$12.00. A renewal application may be filed between the first day of October and the thirty-first day of December in each year, and shall extend the registration for the following calendar year.

SECTION 11. REGISTERED OFFICE AND REGISTERED AGENT.

Each corporation shall have and continuously maintain in this State:

(a) A registered office which may be, but need not be, the same as its place of business.

(b) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this State, having a business office identical with such registered office.

(c) The Secretary of State shall keep an alphabetical list of domestic and foreign corporations, whose statements of incorporation, certificates of incorporation, or applications for certificate of authority are filed in said office, together with the date contained in such documents.

SECTION 12. CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT.

A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the Secretary of State a statement setting forth:

(a) The name of the corporation.

(b) The address of its then registered office.

(c) If the address of its registered office is to be changed, the address to which the registered office is to be changed.

(d) The name of its then registered agent.

(e) If its registered agent is to be changed, the name of its successor registered agent.

(f) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(g) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed for the corporation by its president, or a vice president, and verified by him, and delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to the provisions of this Act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate with the Secretary of State, who shall forthwith mail a copy thereof to the corporation at its registered office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the Secretary of State.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to (e) or (g) and must recite that a copy of the statement has been mailed to the corporation.

SECTION 13. SERVICE OF PROCESS ON CORPORATION

The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this State, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then it may be served as provided by the Alabama Rules of Civil Procedure.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

SECTION 14. AUTHORIZED SHARES.

Each corporation shall have power to create and issue the number of shares stated in its article of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, limitations, and relative rights as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this Act and the Constitution of Alabama as the same may be amended from time to time.

Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

(a) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.

(b) Entitling the holders thereof to cumulative, non-cumulative or partially cumulative dividends.

(c) Having preference over any other class or classes of shares as to the payment of dividends.

(d) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(e) Convertible into shares of any other class or into shares of any series of the same or any other class, but shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted or the amount of any such deficiency is transferred from surplus to stated capital.

(f) Subject to limitation with respect to any one or more of the dividends payable thereon, and participation in earnings, assets, and property rights and interests of the corporation.

SECTION 15. ISSUANCE OF SHARES OF PREFERRED OR SPECIAL CLASSES IN SERIES.

If the articles of incorporation so provide, and if such action is not inconsistent with the provisions of the Constitution of Alabama, as the same may be amended from time to time, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(a) The rates, preferences, cumulation provisions, and time of payment of dividends.

(b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption.

(c) The amount payable upon shares in event of voluntary and involuntary liquidation.

(d) Sinking fund provisions, if any, for the redemption or purchase of shares.

(e) The terms and conditions, if any, on which shares may be converted.

(f) Voting rights, if any.

If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the

relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares, of any series so established.

In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation

Prior to the issue of any shares of a series established by resolution adopted by the boards of directors, the corporation shall file in the office of the Probate Judge a statement setting forth:

- (a) The name of the corporation.
- (b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof.
- (c) The date of adoption of such resolution.
- (d) That such resolution was duly adopted by the board of directors.

Such statement shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement. Such statement shall be delivered to the Probate Judge. If the Probate Judge finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (1) Endorse on the statement the word "Filed", and the hour, day, month, and year of the filing thereof.
- (2) Record such statement in his office and forward such statement bearing the date of filing and the recording information to the Secretary of State for recording or filing.

Upon filing of such statement, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

SECTION 16. SUBSCRIPTIONS FOR SHARES.

A subscription for shares of a corporation to be organized shall be irrevocable for a period of six months, unless otherwise provided by the terms of the subscription agreement or unless all of the subscribers consent to the revocation of such subscription.

Unless otherwise provided in the subscription agreement, subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board of directors. Any call made by the board of directors for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be. In case of default in the payment of any installment or call when such payment is due, the corporation may proceed to collect the amount due in the same manner as any debt due the corporation. The by-laws may prescribe other penalties for failure to pay installments or calls that may become due, but no penalty working a forfeiture of a subscription, or of the amounts paid thereon, shall

be declared as against any subscriber unless the amount due thereon shall remain unpaid for a period of twenty days after written demand has been made therefor. If mailed, such written demand shall be deemed to be made when deposited in the United States mail in a sealed envelope addressed to the subscriber at his last post-office address known to the corporation, with postage thereon prepaid. In the event of the sale of any shares by reason of any forfeiture, the excess of proceeds realized over the amount due and unpaid on such shares shall be paid to the delinquent subscriber or to his legal representative.

SECTION 17. CONSIDERATION FOR SHARES:

Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

Shares without par value may be issued for such consideration expressed in dollars as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all shares entitled to vote thereon.

Treasury shares may be disposed of by the corporation for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

In the event of the issuance of shares upon the conversion or exchange of indebtedness or shares, the consideration for the shares so issued shall be (1) the principal sum of, and accrued interest on, the indebtedness so exchanged or converted or the stated capital then represented by the shares so exchanged or converted, and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and (3) any additional consideration paid to the corporation upon the issuance of shares for the indebtedness or shares so exchanged or converted.

SECTION 18. PAYMENT FOR SHARES.

The consideration for the issuance of shares may be paid, in whole or in part, in money, in other property, tangible or intangible, or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued shall have been received by the corporation, such shares shall be deemed to be fully paid and non-assessable.

Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of a corporation.

In the absence of fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

SECTION 19. STOCK RIGHTS AND OPTIONS.

Subject to any provisions in respect thereof set forth in its articles of incorporation, a corporation may create and issue, whether or not in connection with the issuance and sale of any of its shares or other securities, rights or options entitling the holders thereof to purchase from the corporation shares of any class or classes. Such rights or options shall be evidenced in such manner as the board of directors shall approve and, subject to the provisions of the articles of incorporation, shall set forth the terms upon which, the time or times within which and the price or prices at which such shares may be purchased from the corporation upon the exercise of any such right or option. If such rights or options are to be issued to directors, officers or employees as such of the corporation or of any subsidiary thereof, and not to the shareholders generally, their issuance shall be approved by the affirmative vote of the holders of a majority of the shares entitled to vote thereon or shall be authorized by and consistent with a plan approved or ratified by such a vote of shareholders. In the absence of fraud in the transaction, the judgment of the board of directors as to the adequacy of the consideration received for such rights or options shall be conclusive. The price or prices to be received for any shares having a par value, other than treasury shares to be issued upon the exercise of such rights or options, shall not be less than the par value thereof.

SECTION 20. DETERMINATION OF AMOUNT OF STATED CAPITAL.

In case of the issuance by a corporation of shares having a par value, the consideration received therefor shall constitute stated capital to the extent of the par value of such shares, and the excess, if any, of such consideration shall constitute capital surplus.

In case of the issuance by a corporation of shares without par value, the entire consideration received therefor shall constitute stated capital unless the corporation shall determine as provided in this section that only a part thereof shall be stated capital. Within a period of sixty days after the issuance of any shares without par value, the board of directors may allocate to capital surplus any portion of the consideration received for the issuance of such shares. No such allocation shall be made of any portion of the consideration received for shares without par value having a preference in the assets of the corporation in the event of involuntary liquidation except the amount, if any, of such consideration in excess of such preference.

If shares have been or shall be issued by a corporation in merger or consolidation or in acquisition of all or substantially all of the outstanding shares or of the property and assets of another corporation, whether domestic or foreign, any amount that would otherwise constitute capital surplus under the foregoing provisions of this section may instead be allocated to earn surplus by the board of directors of the issuing corporation except that its aggregate earned surplus shall not exceed the sum of the earned surpluses as defined in this Act of the issuing corporation and of all other corporations, domestic or foreign, that were merged or consolidated or of which the shares or assets were acquired.

The stated capital of a corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the surplus of the corporation be transferred to stated capital. The board of directors may direct that the amount of the surplus so transferred shall be deemed to be stated capital in respect of any designated class of shares.

SECTION 21. EXPENSES OF ORGANIZATION, REORGANIZATION AND FINANCING.

The reasonable charges and expenses of organization or reorganization of a corporation, and the reasonable expenses of and compensation for the sale or underwriting of its shares, may be paid or allowed by such corporation out of the consideration received by it in payment for its shares without thereby rendering such shares not fully paid or assessable.

SECTION 22. CERTIFICATES REPRESENTING SHARES.

The shares of a corporation shall be represented by certificates signed by the chairman of the board, president, an executive vice president, a vice president, or the treasurer and by the secretary, an assistant vice president, an assistant secretary, or an assistant treasurer, and may be sealed with the seal of the corporation or a facsimile thereof. The signature of any one of these officers upon a certificate may be a facsimile if the certificate is signed by another of such officers, and the signatures of both of such officers may be facsimiles if the certificate is countersigned by a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any shareholder upon request and without charge, a full statement of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued, and if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:

- (a) That the corporation is organized under the laws of this State.
- (b) The name of the person to whom issued.
- (c) The number and class of shares, and the designation of the series, if any, which such certificate represents.
- (d) The par value of each share represented by such certificate, or a statement that the shares are without par value. Provided, however, that for shares having a par value, a statement on the stock certificate that the par value of each share represented thereby will be as set forth from time to time in the articles of incorporation of the company, as amended, shall be sufficient.

Shares or interest in the stock of corporations are personal property, transferable on the books of the corporation in the manner provided by law.

No certificate shall be issued for any share until such share is fully paid.

Abbreviations may be used in the inscribing of certificates representing shares of stock. Without limiting the use of other abbreviations, however, the following or substantially similar abbreviations, may be used in the inscribing of such certificates only if explained on the face or back of the certificates, and shall be construed as though they were written out in full and shall be accorded the meaning ascribed herein:

Abbreviations:	Meaning:
TEN COM	as tenants in common
JT TEN	as joint tenants with right of survivorship and not as tenants in common

(name of Custodian)

Custodian _____ Unif

(minor)

Gift Min Act _____

(state)

(name of Custodian)

as Custodian for _____ under the

(name of minor)

(name of state)

Uniform Gifts to Minors Act.

SECTION 23. RESTRICTION ON TRANSFER OF SECURITIES.

- (a) A written restriction of the transfer or registration of transfer of securities of a corporation, if permitted by this section and noted conspicuously on the security, may be enforced against the holder of the restricted security or any successor or transferee of the holder including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder. Unless noted conspicuously on the security, a restriction, even though permitted by this section, is ineffective except against a person with actual knowledge of the restriction.
- (b) A restriction on the transfer or registration of transfer of securities of a corporation may be imposed either by the articles of incorporation or by the by-laws or by an agreement among any number of security holders or among such holders and the corporation. No restriction so imposed shall be binding with respect to securities issued prior to the adoption of the restriction unless the holders of the securities are parties to an agreement or voted in favor of the restriction.
- (c) A restriction on the transfer of securities of a corporation is permitted by this section if it:
- (1) Obligates the holder of the restricted securities to offer to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted securities; or

(2) Obligates the corporation or any holder of securities of the corporation or any other person or any combination of the foregoing, to purchase the securities which are the subject of an agreement respecting the purchase and sale of the restricted securities; or

(3) Requires the corporation or the holders of any class of securities of the corporation to consent to any proposed transfer of the restricted securities or to approve the proposed transferee of the restricted securities; or

(4) Prohibits the transfer of the restricted securities to designated persons or classes of persons, and such designation is not manifestly unreasonable.

(d) Any restriction on the transfer of the securities of a corporation for one of the following purposes is conclusively presumed to be for a reasonable purpose:

(1) For the purpose of maintaining its status as an electing small business corporation, as defined in subchapter S of the United States Internal Revenue Code of 1954 or any later such code, in the amended form in which the same shall be effective with reference to such electing small business corporations; and

(2) For the purpose of complying with the securities laws of any jurisdiction.

(e) In addition to the restrictions specifically permitted, any other reasonable restriction on transfer or registration of transfer of securities is permitted by this section.

SECTION 24. FRACTIONAL SHARES.

A corporation may, but shall not be required to, issue fractions of a share. If it does not issue fractions of a share, it shall (1) arrange for the disposition of fractional interests by those entitled thereto, (2) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined, or (3) issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall, but scrip shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause scrip to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of scrip, or subject to any other conditions which the board of directors may deem advisable.

SECTION 25. LIABILITY OF SUBSCRIBERS AND SHAREHOLDERS.

A holder of or subscriber to shares of a corporation shall be under no obligation to the corporation or its creditors with respect to such shares other than the obligation to pay to the corporation the full consideration for which such shares were issued or to be issued.

Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable to the corporation or its creditors for any unpaid portion of such consideration, but the transferor shall remain liable therefor.

An executor, administrator, conservator, custodian under a gift to minors act of this or any other state, guardian, trustee, assignee for the benefit of creditors, or receiver shall not be personally liable to the corporation as a holder of or subscriber to shares of a corporation but the estate and funds in his hands shall be so liable.

No pledgee or other holder of shares as collateral security shall be personally liable as a shareholder.

Any corporation may have a lien on the shares of its shareholders for any debt or liability incurred to it by such shareholders before notice of transfer of or levy on such shares, if the right to such a lien is provided for in the articles of incorporation and is plainly recited on its certificates for shares of stock.

SECTION 26. SHAREHOLDERS' PRE-EMPTIVE RIGHTS.

Unless otherwise provided in the articles of incorporation or an amendment thereto, every shareholder entitled to vote for the election of directors shall have the pre-emptive right to purchase his proportion of the issuance of any class of shares, including treasury shares, according to the proportion of his holdings of such class of shares, at such price, which may be in excess of par value, within such time, and on such terms as shall be fixed and determined by the board of directors; provided, however, that nothing herein contained shall prevent the inclusion of or invalidate provisions in the articles of incorporation or an amendment thereto which deny pre-emptive rights to the holders of any class of shares or grant pre-emptive rights to the holders of preferred shares or other shares not having voting power nor shall anything herein be construed to give pre-emptive rights to the holders of preferred shares having the right to elect one or more directors of the corporation only in the event of default in payment of dividends on such preferred shares or other default.

SECTION 27. BY-LAWS.

The initial by-laws of a corporation shall be adopted by the shareholders. The power to alter, amend, or repeal the by-laws or adopt new by-laws, shall be vested in the board of directors unless reserved to the shareholders by the articles of incorporation, provided, however, that the board of directors may not alter, amend, or repeal any by-law establishing what constitutes a quorum at shareholders' meetings. The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

SECTION 28. BY-LAWS AND OTHER POWERS IN EMERGENCY.

The board of directors of any corporation may adopt emergency by-laws, subject to repeal or change by action of the shareholders, which shall, notwithstanding any different provision elsewhere in this Act or in the articles of incorporation or by-laws, be operative during any emergency in the conduct of the business of the corporation resulting from an attack on the United States or any nuclear or atomic disaster, or during the existence of any catastrophe or other similar emergency condition, as a result of which a quorum of the board of directors or a standing committee thereof cannot readily be convened for action. The emergency by-laws may make any provision that may be practical and necessary for the circumstances of the emergency, including provisions that:

(a) A meeting of the board of directors may be called by any officer or director in such manner and under such conditions as shall be prescribed in the emergency by-laws;

(b) The director or directors in attendance at the meeting, or any greater number fixed by the emergency by-laws, shall constitute a quorum; and

(c) The officers or other persons designated on a list approved by the board of directors before the emergency, all in such order or priority and subject to such conditions, and for such period of time (not longer than reasonably necessary after the termination of the emergency) as may be provided in the emergency by-laws or in the resolution approving the list shall, to the extent required to provide a quorum at any meeting of the board of directors, be deemed directors for such meetings.

The board of directors, either before or during any such emergency, may provide, and from time to time modify, lines of succession in the event that during such an emergency any or all officers or agents of the corporation shall for any reason be rendered incapable of discharging their duties.

The board of directors, either before or during any such emergency, may, effective in the emergency, change the head office or designate several alternative head offices or regional offices, or authorize the officers so to do.

To the extent not inconsistent with any emergency by-law so adopted, the by-laws of the corporation shall remain in effect during any such emergency and upon its termination the emergency by-laws shall cease to be operative.

Unless otherwise provided in emergency by-laws, notice of any meeting of the board of directors during any such emergency may be given only to such of the directors as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication or radio.

To the extent required to constitute a quorum at any meeting of the board or directors during any such emergency, the officers of the corporation who are present shall, unless otherwise provided in emergency by-laws, be deemed, in order of rank and within the same rank in order of seniority, directors for such meeting.

No officer, director or employee acting in accordance with any emergency by-law shall be liable except for wilfull misconduct. No officer, director or employee shall be liable for any action taken by him in good faith in such an emergency in furtherance of the ordinary business affairs of the corporation even though not authorized by the by-laws then in effect.

SECTION 29. MEETINGS OF SHAREHOLDERS.

Meetings of shareholders may be held at such place within or without this State as may be stated in or fixed in accordance with the by-laws. If no other place is stated or so fixed, meetings shall be held at the registered office of the corporation.

An annual meeting of the shareholders shall be held at such time as may be stated in or fixed in accordance with the by-laws. If the annual meeting is not held within any thirteen-month period the Circuit Court of the County in which the corporation has its registered office or any court in such place having jurisdiction may, on the application of any shareholder, summarily order a meeting to be held.

Special meetings of the shareholders may be called by the board of directors, the holders of not less than one-tenth of all the shares entitled to vote at the meeting, or such other persons as may be authorized in the articles of incorporation or the by-laws.

SECTION 32. NOTICE OF SHAREHOLDERS' MEETINGS.

Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the stock transfer books of the corporation, with postage thereon prepaid.

Notwithstanding the provisions of this section, the stock or bonded indebtedness of a corporation shall not be increased at a meeting unless notice of such meeting shall have been given as may be required by section 234 of the Constitution of Alabama as the same may be amended from time to time.

SECTION 31. WAIVER OF NOTICE.

Whenever any notice is required to be given to any shareholder or director of a corporation under the provisions of the Constitution of Alabama or this Act or under the provisions of the articles of incorporation or by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

SECTION 32. CLOSING OF TRANSFER BOOKS AND FIXING RECORD DATE.

For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case, fifty days. If the stock transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least ten days immediately preceding such meeting. In lieu of closing the stock transfer books, the by-laws, or in the absence of an applicable by-law the board of directors, may fix in advance a date as the record date for any such determination of shareholders, such date in any case to be not more than fifty days and, in case of a meeting of shareholders, not less than ten days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof except where the determination has been made through the closing of the stock transfer books and the stated period of closing has expired.

SECTION 33. VOTING RECORD.

The officer or agent having charge of the stock transfer books for shares of a corporation shall make, at least ten days before each meeting of shareholders, a complete list of the shareholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which list, for a period of ten days prior to such meeting, shall be kept on file at the principal office of the corporation and shall be subject to inspection by any shareholder making written request therefor at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting. The original stock transfer books shall be prima facie evidence as to who are the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

Failure to comply with the requirements of this section shall not affect the validity of any action taken as such meeting.

An officer or agent having charge of the stock transfer books who shall fail to prepare the list of shareholders, or keep it on file for a period of ten days, or produce and keep it open for inspection at the meeting as provided in this section shall be liable to any shareholder who made written demand for the inspection of said list and who suffered damage on account of such failure, to the extent of such damage.

SECTION 34. QUORUM OF SHAREHOLDERS.

Unless otherwise provided in the articles of incorporation, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders, but in no event shall a quorum consist of less than one-third of the shares entitled to vote at the meeting. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by the Constitution of Alabama as the same may be amended from time to time, this Act, the articles of incorporation, or by-laws.

SECTION 35. VOTING OF SHARES.

Each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, except as may be otherwise provided in the articles of incorporation. If the articles of incorporation provide for more or less than one vote for any share, on any matter, every reference in this Act to a majority or other proportion of shares shall refer to such a majority or other proportion of votes entitled to be cast.

Neither treasury shares, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

At each election for directors every shareholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or, if cumulative voting is authorized by the articles of incorporation, to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principal among any number of such candidates.

Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the by-laws of such other corporation may prescribe, or, in the absence of such provisions, as the board of directors of such other corporation may determine.

Shares held by an administrator, executor, guardian, or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name and no corporate trustee shall be entitled to vote for the election of directors shares held by it solely in a fiduciary capacity if such shares are shares issued by the corporate trustee itself.

Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

On and after the date on which written notice of redemption of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

SECTION 36. GREATER VOTING REQUIREMENTS.

Whenever, with respect to any action to be taken by the shareholders of a corporation, the articles of incorporation require the vote or concurrence of the holders of a greater proportion of the shares, or of any class or series thereof, than required by this Act with respect to such action, the provisions of the articles of incorporation shall control.

SECTION 37. VOTING TRUSTS AND AGREEMENTS AMONG SHAREHOLDERS.

Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares

to such trustee or trustees for the purposes of the agreement. Such trustee or trustees shall keep a record of the holders of voting trust certificates evidencing a beneficial interest in the voting trust, giving the names and addresses of all such holders and the number and class of the shares in respect of which the voting trust certificates held by each are issued, and shall deposit a copy of such record with the corporation at its registered office. Certificates of stock shall be issued to the voting trustee or trustees to represent any stock of an original issue so deposited with him or them, and any certificates of stock transferred to the voting trustee or trustees shall be surrendered and cancelled and new certificates therefor shall be issued to the voting trustee or trustees. In the certificate so issued it shall be stated that the certificate is issued pursuant to the voting trust agreement, and that fact shall also be stated in the stock ledger of the corporation. The counterpart of the voting trust agreement and the copy of the record of holders of voting trust certificates deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as are the books and records of the corporation, and such counterpart and such copy of such record shall be subject to examination by any holder of record of voting trust certificates, either in person or by agent or attorney, at any reasonable time for any proper purpose.

Agreements among shareholders regarding the voting of their shares shall be valid and enforceable in accordance with their terms. Such agreements shall not be subject to the provisions of this section regarding voting trusts.

SECTION 38. ACTION BY SHAREHOLDERS WITHOUT A MEETING.

Any action required by this Act to be taken at a meeting of the shareholders of a corporation, or any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

Such consent shall have the same effect as a unanimous vote of shareholders, and may be stated as such in any articles or document filed with the Probate Judge under this Act.

SECTION 39. BUSINESS OF CORPORATION TO BE MANAGED BY BOARD OF DIRECTORS.

All corporate powers shall be exercised by or under authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors except as may be otherwise provided in this Act or the articles of incorporation. If any such provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this Act shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors shall be natural persons but need not be residents of this State or shareholders of the corporation unless the articles of incorporation or by-laws so require. The articles of incorporation or by-laws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

SECTION 40. NUMBER AND ELECTION OF DIRECTORS.

The board of directors of a corporation shall consist of one or more members. The number of directors shall be fixed by, or in the manner provided in, the articles of incorporation or the by-laws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the by-laws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a by-law providing for the number of directors, the number shall be the same as that provided for in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as permitted by this Act. Failure to elect directors at any time designated for their election shall not work a dissolution of the corporation, and each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified.

SECTION 41. CLASSIFICATION OF DIRECTORS.

When the board of directors shall consist of nine or more members, in lieu of electing the whole number of directors annually, the articles of incorporation or the by-laws may provide that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two classes, or until the third succeeding annual meeting, if there be three classes. No classification of directors shall be effective prior to the first annual meeting of shareholders.

SECTION 42. VACANCIES IN BOARD OF DIRECTORS.

Vacancies occurring in the board of directors may, unless prohibited by the articles of incorporation or by-laws, be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next annual meeting of shareholders. Any directorship to be filled by reason of an increase in the number of directors shall be filled by election at an annual meeting or at a special meeting of shareholders called for that purpose.

SECTION 43. REMOVAL OF DIRECTORS.

At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director or the entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors, who may then forthwith at such meeting proceed to elect a successor or successors for the unexpired term.

In the case of a corporation having cumulative voting, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or if there be classes of directors, at an election of the class of directors of which he is a part.

Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

SECTION 44. QUORUM OF DIRECTORS.

A majority of the directors shall constitute a quorum for the transaction business, unless the articles of incorporation or by-laws shall provide that a different number shall constitute a quorum. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the by-laws.

If a quorum is present when the meeting is convened, the directors present may continue to do business, taking action by a vote of a majority of a quorum as fixed above, until adjournment, notwithstanding the withdrawal of enough directors to leave less than a quorum as fixed above, or the refusal of any director present to vote.

SECTION 45. DIRECTOR CONFLICTS OF INTEREST.

No contract or other transaction between a corporation and one or more of its directors or any other corporation, firm, association or entity in which one or more of its directors are directors or officers or are financially interested, shall be either void or voidable because of such relationship or interest or because such director or directors are present at the meeting of the board of directors or a committee thereof which authorizes, approves or ratifies such contract or transaction, if the contract or transaction is fair and reasonable to the corporation and if either:

(a) the fact of such relationship or interest is disclosed to the board of directors or committee which authorizes, approves or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the votes or consents of such interested directors; or

(b) the fact of such relationship or interest is disclosed to the shareholders entitled to vote and they authorize, approve or ratify such contract or transaction by vote or written consent.

Common or interested directors may not be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves, or ratifies such contract or transaction.

SECTION 46. EXECUTIVE AND OTHER COMMITTEES.

If the articles of incorporation or the by-laws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members one or more committees, each committee to consist of one or more of the directors and each of which committees, to the extent provided in such resolution or in the articles of incorporation or the by-laws of the corporation, shall have and may exercise all the authority

of the board of directors, except that no such committee shall have the authority of the board of directors in reference to declaring a dividend or distribution from capital surplus, issuing capital stock, amending the articles of incorporation, adopting a plan of merger or consolidation, recommending to the shareholders the sale, lease, mortgage, exchange or other disposition of all or substantially all the property and assets of the corporation otherwise than in the usual and regular course of its business, recommending to the shareholders a voluntary dissolution of the corporation or a revocation thereof, filling vacancies in the board of directors, or amending the by-laws of the corporation. The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed upon it or him by law.

SECTION 47. PLACE AND NOTICE OF DIRECTORS' MEETINGS; COMMITTEE MEETINGS.

Meetings of the board of directors, regular or special, may be held either within or without this State.

Regular meetings of the board of directors or any committee designated thereby may be held with or without notice as prescribed in the by-laws. Special meetings of the board of directors or any committee designated thereby shall be held upon such notice as is prescribed in the by-laws. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated thereby need be specified in the notice or waiver of notice of such meeting unless required by the by-laws.

Except as may be otherwise restricted by the articles of incorporation or by-laws, members of the board of directors or any committee designated thereby may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting.

SECTION 48. ACTION BY DIRECTORS WITHOUT A MEETING.

Unless otherwise provided by the articles of incorporation or by-laws, any action required by this Act to be taken at a meeting of the directors of a corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

SECTION 49. DIVIDENDS.

The board of directors of a corporation may, from time to time, declare and the corporation may pay dividends on its outstanding shares in cash, property, or its own shares, except when the corporation is insolvent or when the payment thereof would render the corporation insolvent or when the declaration or payment thereof would be contrary to any restriction contained in the articles of incorporation, subject to the following provisions:

(a) Dividends may be declared and paid in cash or property only out of the unreserved and unrestricted earned surplus of the corporation, except as otherwise in this section.

(b) If the articles of incorporation of a corporation engaged in the business of exploiting natural resources so provide, dividends may be declared and paid in cash out of the depletion reserves, but each such dividend shall be identified as a distribution of such reserves and the amount per share paid from such reserves shall be disclosed to the shareholders receiving the same concurrently with the distribution thereof.

(c) Dividends may be declared and paid in its own treasury shares.

(d) Dividends may be declared and paid in its own authorized but unissued shares out of any unreserved and unrestricted surplus of the corporation upon the following conditions:

(1) If a dividend is payable in its own shares having a par value, such shares shall be issued at not less than par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate par value of the shares to be issued as a dividend.

(2) If a dividend is payable in its own shares without par value, such shares shall be issued at such stated value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate value so fixed in respect of such shares; and the amount per share so transferred to stated capital shall be disclosed to the shareholders receiving such dividend concurrently with the payment thereof.

(e) No dividend payable in shares of any class shall be paid to the holders of shares of any other class unless the articles of incorporation so provide or such payment is authorized by the affirmative vote or the written consent of the holders of at least a majority of the outstanding shares of the class in which the payment is to be made.

A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

SECTION 50. DISTRIBUTIONS FROM CAPITAL SURPLUS.

The board of directors of a corporation may, from time to time, distribute to its shareholders out of capital surplus of the corporation a portion of its assets, in cash or property, subject to the following provisions:

(a) No such distribution shall be made at a time when the corporation is insolvent or when such distribution would render the corporation insolvent.

(b) No such distribution shall be made unless the articles of incorporation so provide or such distribution is authorized by the affirmative vote of the holders of a majority of the outstanding shares of each class whether or not entitled to vote thereon by the provisions of the articles of incorporation of the corporation.

(c) No such distribution shall be made to the holders of any class of shares unless all cumulative dividends accrued on all preferred or special classes of shares entitled to preferential dividends shall have been fully paid.

(d) No such distributions shall be made to the holders of any class of shares which would reduce the remaining net assets of the corporation below the aggregate preferential amount payable in event of involuntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(e) Each such distribution, when made, shall be identified as a distribution from capital surplus and the amount per share disclosed to the shareholders receiving the same concurrently with the distributions thereof.

The board of directors of a corporation may also, from time to time, distribute to the holders of its outstanding shares having a cumulative preferential right to receive dividends, in discharge of their cumulative dividend rights, dividends payable in cash out of the capital surplus of the corporation, if at the time the corporation has no earned surplus and is not insolvent and would not thereby be rendered insolvent. Each such distribution when made, shall be identified as a payment of cumulative dividends out of capital surplus.

SECTION 51. LOANS TO EMPLOYEES AND DIRECTORS.

A corporation shall not lend money to or use its credit to assist its directors without authorization in the particular case by its shareholders, but may lend money to and use its credit to assist any employee of the corporation or of the subsidiary, including any such employee who is a director of the corporation, if the board of directors decides that such loan or assistance may benefit the corporation provided, however, that nothing in this section shall prohibit a bank, trust company or other corporation regularly engaged in the business of lending money from lending money to its directors without the necessity for shareholder authorization, so long as such loans are made in compliance with the laws and regulations applicable to banks, trust companies and other lending institutions with respect to loans to directors.

SECTION 53. DEPRECIATION STOCKS OR BONDS OF CORPORATION WITH INTENT TO BUY.

No president, director, or managing officer of any corporation, by whatsoever name or title he may be known or called, shall do or omit to do any act, or shall make any declaration or statement in writing, or otherwise, with the intent to depreciate the market value of the stock or bonds of such corporation, and with the further intent to enable such president, director, or other managing officer, or any other person, to buy any such stock or bonds at less than the real value thereof.

SECTION 54. DISSENT OF DIRECTOR TO ACTION OF BOARD.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered or certified mail or personal delivery to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

SECTION 55. DIRECTOR RELYING UPON CERTAIN REPORTS AND RECORDS PROTECTED.

In performing his duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(a) one or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented,

(b) counsel, public accountants or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence, or

(c) a committee of the board upon which he does not serve, duly designated in accordance with a provision of the articles of incorporation or the by-laws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence, but he shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause such reliance to be unwarranted.

A person who so performs his duties shall have no liability by reason of being or having been a director of the corporation.

SECTION 56. DUTY OF DIRECTORS GENERALLY.

A director shall perform his duties as a director, including his duties as a member of any committee of the board upon which he may serve, in good faith, in a manner he reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances.

SECTION 57. LIABILITY OF DIRECTORS IN CERTAIN CASES.

In addition to any other liabilities, a director shall be liable in the following circumstances unless he complies with the standard provided in this Act for the performance of the duties of directors.

(a) A director who votes for or assents to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this Act or contrary to any restrictions contained in the articles of incorporation, shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this Act or the restrictions in the articles of incorporation.

(b) A director who votes for or assents to the purchase of the corporation's own shares contrary to the provisions of this Act shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this Act.

(c) A director who votes for or assents to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known debts, obligations, and liabilities of the corporation shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of this Act, in proportion to the amounts received by them.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted.

SECTION 58. FIDUCIARY OBLIGATIONS NOT IMPAIRED.

Neither an unqualified statement of rights or powers, nor an unqualified grant of authority herein, shall be taken or construed, to abrogate, repeal, displace, modify, or impair the fiduciary obligations of directors or other officers or employees of any corporation, or of stockholders having or exercising control thereof, or of any function thereof, whether by reason of ownership of a majority, or other controlling, interest therein, or otherwise, or the jurisdiction of the courts to grant relief by way of injunction or otherwise, in order to forestall, prevent, correct, remedy, or allow damages for fraud, oppression, imposition, or other inequitable or remedial conduct in conformity with the applicable principles and practices of law.

SECTION 60. OFFICERS.

The officers of a corporation shall consist of a president and a secretary each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the by-laws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the by-laws. Any number of offices may be held by the same person unless the by-laws provide otherwise.

All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the by-laws, or as may be determined by resolution of the board of directors not inconsistent with the by-laws.

SECTION 61. REMOVAL OF OFFICERS.

Any officer or agent may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

SECTION 62. BOOKS AND RECORDS AND FINANCIAL REPORTS TO SHAREHOLDERS.

Each corporation, and each foreign corporation which has its principal place of business within this State, shall keep at a location within this State correct and complete books and records of account and correct and complete records of all transactions of the corporation and also shall keep complete and correct minutes of the proceedings of its shareholders and board of directors and committees of the board of directors and shall keep at its registered office

or principal place of business or at the office of its transfer agent or registrar a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each. Financial or accounting records may be kept in written form or in any other form capable of being converted to written form within a reasonable time.

Any person who for six months immediately preceding his demand shall have been a holder of record of shares or of voting trust certificates therefor or who is the holder of record of, or the holder of record of voting trust certificates for, at least five per cent (5%) of the outstanding shares of any class of shares of a corporation, upon written demand stating the purpose therefor, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, all of its books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates and to make copies thereof or extracts therefrom. Provided, however, if a corporation is engaged in the business of banking, its books and records of account and minutes relating to the private financial affairs of borrowers and depositors who are neither officers, directors, or employees of the bank nor who are related to or engaged in business with an officer, director, or employee shall not be subject to examination by such a stockholder or by his agent or attorney in the absence of an order of a court of competent jurisdiction, after inspection of such books and records of account and minutes in camera, that such examination is necessary; and said order shall be subject to review in the Supreme Court of Alabama on writ of mandamus. Provided further that if a corporation is engaged in the business of banking, its said books and records of account and minutes shall be deemed not to include any reports of examination by state or federal supervisory agencies nor any actions taken nor reports made by the corporation to bank supervisory authorities pursuant thereto.

Any officer or agent who, or a corporation which, without reasonable cause, shall refuse to allow any such shareholder or holder of voting trust certificates, or his agent or attorney so to examine and make copies of and extracts from its books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates, for any proper purpose, shall be liable to such shareholder or holder of voting trust certificates for a penalty of an amount not to exceed ten per cent (10%) of the value of the shares owned by such shareholder, or in respect of which such voting trust certificates are issued, in addition to any other damages or remedy afforded him by law. It shall be a defense to an action brought to collect the penalty specified in this section that the person suing therefor within the two years next preceding the demand has sold or offered for sale any list of shareholders or of holders of voting trust certificates for shares of such corporation, or any other corporation or knowingly has aided or abetted any person in procuring any list of shareholders or of holders of voting trust certificates for such purpose, or improperly has used any information secured through any prior examination of the books, papers, records of account, minutes, or record of shareholders or of holders of voting trust certificates for shares of such corporation, or was not acting in good faith or for a proper purpose in making this demand.

Nothing herein contained shall impair or restrict the power of any court of competent jurisdiction, upon proof by a shareholder or holder of voting trust certificates of a proper purpose, irrespective of the period of time during which such shareholder or holder of voting trust certificates shall have been a shareholder of record or a holder of record of voting trust certificates, and

irrespective of the number of shares held by him or represented by voting trust certificates held by him, to compel the production for examination by such shareholder or holder of voting trust certificates, or his agent or attorney, of the books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates of a corporation.

The board of directors shall cause the corporation to mail to each of its shareholders and holders of voting trust certificates, not later than one hundred and twenty (120) days after the close of each of its fiscal year, a financial statement, which may be consolidated, including a balance sheet as of the end of such fiscal year and a statement of income, (expenses and retained earnings) for such fiscal year (or from the inception of the corporation's business, if a shorter period). Such financial statement shall be prepared in accordance with generally accepted accounting principles, or, if the books of the corporation are not maintained on that basis, may be prepared either on the same basis used by the corporation for filing its United States income tax returns or as required by appropriate regulatory agencies. The financial statement shall be accompanied by a report of the president, the officer of the corporation in charge of its financial records, or a certified public accountant stating whether, in his opinion, the financial statements of the corporation present fairly the financial position of the corporation and the results of its operations in accordance with generally accepted accounting principles and, if not, describing the basis of their preparation and giving his opinion of the fairness of the presentation of the data shown by them, in accordance with accounting procedures generally used in the trade, industry, or business conducted by the corporation.

SECTION 63. INCORPORATORS.

One or more persons, partnerships, domestic corporations, or foreign corporations may act as incorporator or incorporators of a corporation by signing the articles of incorporation and delivering the same to the Probate Judge of the county in which the corporation is to have its initial registered office.

SECTION 64. ARTICLES OF INCORPORATION.

The articles of incorporation shall set forth:

- (a) The name of the corporation.
- (b) The period of duration, which may be perpetual.
- (c) The purpose or purposes for which the corporation is organized which may be stated to be, or to include, the transaction of any or all lawful business for which corporations may be incorporated under this Act.
- (d) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.
- (e) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class.

(f) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.

(g) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this Act is required or permitted to be set forth in the by-laws.

(h) The location and mailing address of its initial registered office, and the name of its initial registered agent at such address.

(i) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as director until the first annual meeting of shareholders or until their successors be elected and qualify.

(j) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Act.

SECTION 65. FILING OF ARTICLES OF INCORPORATION.

The articles of incorporation and two copies thereof shall be delivered to the Probate Judge. If the Probate Judge finds that the articles of incorporation conform to law, and that the name of the proposed corporation is then reserved under section 8, he shall, when all fees prescribed in this Act have been paid:

(a) Endorse on the articles of incorporation and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(b) File the articles of incorporation in his office and certify the two copies thereof.

(c) Issue a certificate of incorporation to which he shall affix one certified copy of the articles of incorporation, and return such certificate of incorporation with the certified copy of the articles of incorporation affixed thereto to the incorporators or their representative.

(d) Immediately, but no later than ten (10) days, after the issuance of the certificate of incorporation transmit to the Secretary of State a copy of the certificate of incorporation with a certified copy of the articles of incorporation attached thereto, indicating thereon, the place, date and time of filing of the articles of incorporation; and with the certificate of the secretary of state showing that the corporate name has been reserved attached thereto.

For failure of the Probate Judge to comply with the required in paragraph (d) of this section, the Probate Judge shall forfeit \$50.00 to the state, to be recovered in an action by the state.

SECTION 66. EFFECT OF FILING OF ARTICLES OF INCORPORATION AND ISSUANCE OF CERTIFICATE OF INCORPORATION.

Upon the filing of the articles of incorporation with the Probate Judge, the corporate existence shall begin. The certificate of incorporation issued by the Probate Judge shall be conclusive evidence that the corporation has been incorporated under this Act, except as against this State in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

SECTION 67. CORRECTION OF ERRORS OR OMISSIONS.

If any corporation has an error or omission in the corporation's

(a) articles of incorporation, or

(b) any other instrument filed, which corrects, amends, alters or supplements the articles of incorporation, through accident or inadvertence, whether clerical or otherwise, the chairman of the board, president or a vice president of the corporation may supply or correct such omission or defect by filing in the office of the Probate Judge articles of correction, which shall consist of a statement in writing and under oath setting forth the omission or error and supplying or correcting the same.

If the Probate Judge finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the statement the word "Filed", and the hour, day, month and year of the filing thereof.

(2) Record the statement in his office and forward the same to the Secretary of State for recording or filing in that office.

Upon the filing of such statement with the Probate Judge, the statement shall relate back to the date of the filing of the instrument to which the correction relates, except as to the rights of third persons which have intervened.

SECTION 68. ORGANIZATION MEETING OF DIRECTORS.

After the filing of the articles of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this State, at the call of a majority of the directors named in the articles of incorporation, for the purpose of electing officers and transacting such other business as may come before the meeting.

SECTION 69. RIGHT TO AMEND ARTICLES OF INCORPORATION.

A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment, and, if a change in shares or the rights of shareholders, or an exchange, reclassification or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification or cancellation.

In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation, from time to time, so as:

- (a) To change its corporate name.
- (b) To change its period of duration.
- (c) To change, enlarge or diminish its corporate purposes.
- (d) To increase or decrease the aggregate number of shares, or shares of any class, which the corporation has authority to issue.
- (e) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued.
- (f) To exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued
- (g) To change the designation of all or any part of its shares, whether issued or unissued, and to change the preferences, limitations, and the relative rights in respect of all or any part of its shares, whether issued or unissued.
- (h) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value.
- (i) To change the shares of any class, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or into the same or a different number of shares, either with or without par value, of other classes.
- (j) To create new classes of shares having rights and preferences either prior and superior or subordinate and inferior to the shares of any class then authorized, whether issued or unissued.
- (k) To cancel or otherwise affect the right of the holders of the shares of any class to receive dividends which have accrued but have not been declared.
- (l) To divide any preferred or special class of shares, whether issued or unissued, into series and fix and determine the designations of such series and the variations in the relative rights and preferences as between the shares of such series.
- (m) To authorize the board of directors to establish, out of authorized but unissued shares, series of any preferred or special class of shares and fix and determine the relative rights and preferences of the shares of any series so established.
- (n) To authorize the board of directors to fix and determine the relative rights and preferences of the authorized but unissued shares of series theretofore established in respect of which either the relative rights and preferences have not been fixed and determined or the relative rights and preferences theretofore fixed and determined are to be changed.
- (o) To revoke, diminish, or enlarge the authority of the board of directors to establish series out of authorized but unissued shares of any preferred or special class and fix and determine the relative rights and preferences of the shares of any series so established.
- (p) To limit, deny or grant to shareholders of any class the preemptive right to acquire additional or treasury shares of the corporation, whether then or thereafter authorized.

SECTION 70. PROCEDURE TO AMEND ARTICLES OF INCORPORATION.

Amendments to the articles of incorporation shall be made in the following manner:

(a) The board of directors shall adopt a resolution setting for the proposed amendment and, if shares have been issued, directing that it be submitted to a vote at a meeting of shareholders, which may be either the annual or a special meeting. If no shares have been issued, the amendment shall be adopted by resolution of the board of directors and the provisions of adoption by shareholders shall not apply. The resolution may incorporate the proposed amendment in restated articles of incorporation which contain a statement that except for the designated amendment the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amend, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be affected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote thereon, unless a greater than majority vote is required by the articles of incorporation or the Constitution of Alabama as the same may be amended from time to time or unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the requisite affirmative vote of the holders of the shares of each class of shares entitled to vote thereon.

Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

SECTION 71. CLASS VOTING ON AMENDMENTS.

The holders of the outstanding shares of a class shall be entitled to vote as a class upon a proposed amendment, whether or not entitled to vote thereon by the provisions of the articles of incorporation, if the amendment would:

(a) Increase or decrease the aggregate number of authorized shares of such class.

(b) Increase or decrease the par value of the shares of such class.

(c) Effect an exchange, reclassification or cancellation of all or part of the shares of such class

(d) Effect an exchange, or create a right of exchange, of all or any part of the shares of another class into the shares of such class.

(e) Change the designations, preferences, limitations or relative rights of the shares of such class.

(f) Change the shares of such class, whether with or without par value, into the same or a different number of shares, either with or without par value, of the same class or another class or classes.

(g) Create a new class of shares having rights and preferences prior and superior to the shares of such class, or increase the rights and preferences or the number of authorized shares, of any class having rights and preferences prior or superior to the shares of such class.

(h) In the case of a preferred or special class of shares, divide the shares of such class into series and fix and determine the designation of such series and the variations in the relative rights and preferences between the shares of such series, or authorize the board of directors to do so.

(i) Limit or deny any existing preemptive rights of the shares of such class.

(j) Cancel or otherwise affect dividends on the shares of such class which have accrued but have not been declared.

SECTION 72. ARTICLES OF AMENDMENT.

The articles of amendment shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

(a) The name of the corporation.

(b) The amendments so adopted.

(c) The date of the adoption of the amendment by the shareholders, or by the board of directors where no shares have been issued.

(d) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class and entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.

(e) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively, or if no shares have been issued, a statement to that effect.

(f) If such amendment provides for an exchange, reclassification or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.

(g) If such amendment effects a change in the amount of stated capital, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital as changed by such amendment.

SECTION 73. FILING OF ARTICLES OF AMENDMENT.

The articles of amendment and a copy thereof shall be delivered to the Probate Judge. If the Probate Judge finds that the articles of amendment conform to law, and, if the articles of amendment change the name of the corporation, he also finds that the proposed name is then reserved under section 8, he shall, when all fees prescribed in this Act have been paid.

(a) **Endorse** on the articles of amendment and on the copy thereof the word "Filed", and the hour, day, month and year of the filing thereof.

(b) **Record** the articles of amendment in his office and certify the copy thereof.

(c) **Issue** in duplicate a certificate of amendment to which he shall affix the articles of amendment, and return such certificate of amendment with the articles of amendment affixed thereto to the corporation or its representative and affix the duplicate certificate of amendment to the certified copy of the articles of amendment and forward the same to the Secretary of State for filing or recording in that office, and if the articles of amendment change the name of the corporation, the certificate of the Secretary of State showing that the corporate name has been reserved shall be attached thereto.

SECTION 74. EFFECT OF CERTIFICATE OF AMENDMENT.

Upon the issuance of the certificate of amendment, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for the reason.

SECTION 75. RESTATED ARTICLES OF INCORPORATION.

A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

Upon the adoption of such resolution, restated articles of incorporation shall be executed for the corporation by its president or a vice president and by its secretary or assistant secretary and verified by one of the officers signing such articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

The restated articles of incorporation and a copy thereof shall be delivered to the Probate Judge. If the Probate Judge finds that such restated articles of incorporation conform to law, he shall, when all fees prescribed in this Act have been paid;

(1) Endorse on the restated articles of incorporation and on the copy thereof the word "Filed", and the hour, day, month and year of filing thereof.

(2) Record the restated articles of incorporation in his office and certify the copy thereof.

(3) Issue in duplicate a restated certificate of incorporation, to which he shall affix the restated articles of incorporation and return such restated certificate of incorporation with the restated articles of incorporation affixed thereto to the corporation or its representative; and affix the duplicate restated certificate of incorporation to the certified copy of the restated articles of incorporation and forward the same to the Secretary of State for filing or recording in that office.

Upon the issuance of the restated certificate of incorporation, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

SECTION 76. AMENDMENT OF ARTICLES OF INCORPORATION IN REORGANIZATION PROCEEDINGS.

Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

(A) Change the corporate name, period of duration or corporation purposes of the corporation;

(B) Repeal, alter or amend the by-laws of the corporation;

(C) Change the aggregate number of share or shares of any class, which the corporation has authority to issue;

(D) Change the preferences, limitations and relative rights in respect of all or any part of the shares of the corporation and classify, reclassify or cancel all or any part thereof, whether issued or unissued;

(E) Authorize the issuance of bonds, debentures or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and

(F) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:

(a) Articles of amendment approved by decree or order of such court shall be executed and verified by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the article of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(b) The articles of amendment and a copy thereof shall be delivered to the Probate Judge. If the Probate Judge finds that the articles of amendment conform to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the articles of amendment and on the copy thereof the word "Filed", and the hour, day, month and year of the filing thereof.

(2) Record the articles of amendment in his office and certify the copy thereof.

(3) Issue in duplicate a certificate of amendment to which he shall affix the articles of amendment and return such certificate of amendment with articles of amendment affixed thereto to the corporation or its representative; and affix a duplicate of the certificate of amendment to the certified copy of the articles of amendment and forward the same to the Secretary of State for filing or recording.

Upon the issuance of the certificate of amendment, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

SECTION 77. RESTRICTION ON REDEMPTION OR PURCHASE OF REDEEMABLE SHARES.

No redemption or purchase of redeemable shares shall be made by a corporation when it is insolvent or when such redemption or purchase would render it insolvent, or which would reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon involuntary dissolution.

SECTION 78. CANCELLATION OF REDEEMABLE SHARES BY REDEMPTION OR PURCHASE.

When redeemable shares of a corporation are redeemed or purchased by the corporation, the redemption or purchase shall effect a cancellation of such shares, and a statement of cancellation shall be filed as provided in this section. Thereupon such shares shall be restored to the status of authorized but unissued shares, unless the articles of incorporation provide that such shares when redeemed or purchased shall not be reissued, in which case the filing of the statement of cancellation shall constitute an amendment to the articles of incorporation and shall reduce the number of shares of the class so cancelled which the corporation is authorized to issue by the number of shares so cancelled.

The statement of cancellation shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

- (a) The name of the corporation.
- (b) The number of redeemable shares cancelled through redemption or purchase, itemized by classes and series.
- (c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.
- (d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.

(e) If the articles of incorporation provide that the cancelled shares shall not be reissued, the number of shares which the corporation will have authority to issue itemized by classes and series, after giving effect to such cancellation.

Such statement of cancellation shall be delivered to the Probate Judge. If the Probate Judge finds that such statement of cancellation conforms to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on such statement the word "Filed", and the hour, day, month and year of the filing thereof.

(2) Record the statement of cancellation in his office and forward the same after recording to the Secretary of State for filing or recording.

Upon the filing of such statement of cancellation with the probate judge, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled.

Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this Act.

SECTION 79. CANCELLATION OF OTHER REACQUIRED SHARES.

A corporation may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it, other than redeemable shares redeemed or purchased, and in such event a statement of cancellation shall be filed as provided in this section.

The statement of cancellation shall be executed for the corporation by its president and a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) The number of reacquired shares cancelled by resolution duly adopted by the board of directors, itemized by classes and series, and the date of its adoption.

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.

Such statement of cancellation shall be delivered to the Probate Judge. If the Probate Judge finds that such statement of cancellation conforms to law, he shall, when all fees prescribed in this Act have been paid:

(2) Record the statement of cancellation in his office and forward the same to the Secretary of State of filing or recording.

Upon the filing of such statement of cancellation with the probate judge, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled, and the shares so cancelled shall be restored to the status of authorized but unissued shares.

Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this Act.

SECTION 80. REDUCTION OF STATED CAPITAL IN CERTAIN CASES.

A reduction of the stated capital of a corporation, where such reduction is not accompanied by any action requiring an amendment of the articles of incorporation and not accompanied by a cancellation of shares, may be made in the following manner:

(A) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(B) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation in the amount and manner proposed by the board of directors, shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders.

(C) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the question of approving the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of a majority of the shares entitled to vote thereon.

When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed for the corporation by its president, or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

- (a) The name of the corporation.
- (b) A copy of the resolution of the shareholders approving such reduction, and the date of its adoption.
- (c) The number of shares outstanding, and the number of shares entitled to vote thereon.
- (d) The number of shares voted for and against such reduction, respectively.
- (e) A statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital of the corporation after giving effect to such reduction.

Such statement shall be delivered to the Probate Judge. If the Probate Judge finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (1) Endorse on such statement the word "Filed", and the hour, day, month and year of the filing thereof.
- (2) Record the statement in his office and forward the recorded statement to the Secretary of State for filing or recording.

Upon the filing of such statement with the probate judge, the stated capital of the corporation shall be reduced as therein set forth.

No reduction of stated capital shall be made under the provisions of this section which would reduce the amount of the aggregate stated capital of the corporation to an amount equal to or less than the aggregate preferential amounts payable upon all issued shares having a preferential right in the assets of the corporation in the event of involuntary liquidation, plus the aggregate par value of all issued shares having a par value but no preferential right in the assets of the corporation in the event of involuntary liquidation.

SECTION 81. SPECIAL PROVISIONS RELATING TO SURPLUS AND RESERVES.

The surplus, if any, created by or arising out of a reduction of the stated capital of a corporation shall be capital surplus.

The capital surplus of a corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the earned surplus of the corporation be transferred to capital surplus.

A corporation may, by resolution of its board of directors, apply any part or all of its capital surplus to the reduction or elimination of any deficit arising from losses, however incurred, but only after first eliminating the earned surplus, if any, of the corporation by applying such losses against earned surplus and only to the extent that such losses exceed the earned surplus, if any. Each such application of capital surplus shall, to the extent thereof, effect a reduction of capital surplus.

A corporation may, by resolution of its board of directors, create a reserve or reserves out of its earned surplus for any proper purpose or purposes, and may abolish any such reserve in the same manner. Earned surplus of the corporation to the extent so reserved shall not be available for the payment of dividends or other distributions by the corporation except as expressly permitted by this Act.

SECTION 82. PROCEDURE FOR MERGER.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this Act.

The board of directors of such corporation shall, by resolution adopted by each such board, approve a plan of merger setting forth:

(a) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(b) The terms and conditions of the proposed merger.

(c) The manner and basis of converting the shares of each corporation into shares, obligations or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property.

(d) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(e) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

SECTION 83. PROCEDURE FOR CONSOLIDATION.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this Act.

The board of directors of each corporation shall, by a resolution adopted by each such board, approve a plan of consolidation setting forth:

(a) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(b) The terms and conditions of the proposed consolidation.

(c) The manner and basis of converting the shares of each corporation into shares, obligations or other securities of the new corporation or of any other corporation or, in whole or in part, into cash or other property.

(d) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Act.

(e) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable

SECTION 84. APPROVAL BY SHAREHOLDERS.

The board of directors of each corporation, upon approving such plan of merger or plan of consolidation, shall, by resolution, direct that the plan be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this Act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose or one of the purposes is to consider the proposed plan of merger or consolidation. A copy or a summary of the plan of merger or plan of consolidation, as the case may be, shall be included in or enclosed with such notice.

At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon of each such corporation, unless any class of shares of any such corporation is entitled to vote thereon as a class, in which event, as to such corporation, the plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon. Any class of shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provisions which, if contained in a proposed amendment to articles of incorporation, would entitle such class of shares to vote as a class.

After such approval by a vote of the shareholders of each corporation, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, it any, set forth in the plan of merger or consolidation.

SECTION 85. ARTICLES OF MERGER OR CONSOLIDATION.

Upon such approval, articles of merger or articles of consolidation shall be executed for each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

- (a) The plan of merger or the plan of consolidation.
- (b) As to each corporation whose shareholders were required to vote thereon, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.
- (c) As to each corporation whose shareholders were required to vote thereon, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively.
- (d) As to each corporation incorporated under the law of this state, the counties in which their articles of incorporation are filed or, in the case of corporations existing on the effective date of this Act, the counties in which their certificates of incorporation are filed.

The articles of merger or articles of consolidation, two copies thereof and such additional number of copies as may be required for purposes of this section, shall be delivered to the Secretary of State. If the Secretary of State finds that such articles conform to law, he shall, when all fees prescribed in this Act have been paid:

- (1) Endorse on the articles and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.
- (2) File the articles in his office and certify the copies thereof.
- (3) Issue a certificate of merger or a certificate of consolidation to which he shall affix one certified copy of the articles, and return such certificate of merger or certificate of consolidation together with the certified copy of the articles affixed thereto to the surviving or new corporation, as the case may be, or its representative.
- (4) Promptly transmit a certified copy of the articles of merger or articles of consolidation together with a copy of the certificate of merger or certificate of consolidation to the Probate Judge of the county in which each of the corporations' articles of incorporation are filed or, in the case of corporations existing on the effective date of this Act, the corporations' certificate of incorporation was filed, there to be recorded in a book to be kept for that purpose.

The certificate of merger or certificate of consolidation, together with a copy of the articles certified and affixed thereto by the Secretary of State, shall be returned to the surviving or new corporation, as the case may be, or its representative.

SECTION 86. MERGER OF SUBSIDIARY CORPORATION.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, any corporation owning at least eighty per cent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(A) The name of the subsidiary corporation and the name of the corporation owning at least eighty per cent of its shares, which is hereinafter designated as the surviving corporation.

(B) The manner and basis of converting the shares of the subsidiary corporation into shares, obligations or other securities of the surviving corporation or of any other corporation or, inwhole or in part, into cash or other property.

A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

Articles of merger shall be executed for the surviving corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles, and shall set forth:

- (a) The plan of merger;
- (b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and
- (c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.
- (d) As to each corporation incorporated under the law of this state, the counties in which their articles of incorporation are filed or, in the case of corporations existing on the effective date of this Act, the counties in which their certificates of incorporation are filed.

On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation, or upon the waiver thereof by the holders of all outstanding shares, the articles of merger, two copies thereof and such additional number of copies as may be required for purposes of this section, shall be delivered to the Secretary of State. If the Secretary of State finds that such articles conform to the law, he shall, when all fees prescribed in this Act have been paid:

- (1) Endorse on the articles and on each of such copies the word "Filed", and the hour, day, month and year of filing thereof.
- (2) File the articles of merger in his office and certify the copies thereof.
- (3) Issue a certificate of merger to which he shall affix one of the certified copies of the articles of merger and return such certificate of merger with the certified articles of merger affixed thereto to the surviving corporation or its representative.
- (4) Promptly transmit a certified copy of the articles of merger together with a certificate of merger to the Office of the Probate Judge of the counties in which each of the corporations' articles of incorporation are filed or, in the case of corporations existing on the effective date of this Act, the corporations' certificate of incorporation was filed, there to be recorded in a book to be kept for that purpose.

SECTION 87. EFFECT OF MERGER OR CONSOLIDATION.

Upon the issuance of the certificate of merger or the certificate of consolidation by the Secretary of State, the merger or consolidation shall be effected.

When such merger or consolidation has been effected:

(a) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(b) The existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(c) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this Act.

(d) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, of a public as well as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(e) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporation may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(f) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this Act shall be deemed to be the original articles of incorporation of the new corporation.

SECTION 88. MERGER OR CONSOLIDATION OF DOMESTIC AND FOREIGN CORPORATIONS.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, one or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner, if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized:

(a) Each domestic corporation shall comply with the provisions of this Act with respect to the merger or consolidation, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(b) If the surviving or new corporation, as the case may be, in a merger or consolidation, is to be governed by the laws of any state other than this State, it shall comply, to the extent it is not then in compliance therewith, with the provisions of this Act with respect to foreign corporations if it is to transact business in this State, and in every case it shall file with the Secretary of State of this State:

(1) An agreement that it may be served with process in this State in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(2) An irrevocable appointment of the Secretary of State of this State as its agent to accept service of process in any such proceeding; and

(3) An agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this Act with respect to the rights of dissenting shareholders.

The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this State. If the surviving or new corporation is to be governed by the laws of any state other than this State, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other state provide otherwise.

At any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

SECTION 89. SALE OF ASSETS IN REGULAR COURSE OF BUSINESS AND MORTGAGE OR PLEDGE OF ASSETS.

The sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of a corporation in the usual and regular course of its business may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of cash or other property, including shares, obligations or other securities of any other corporation, domestic or foreign, as shall be authorized by its board of directors; and in any such case no authorization or consent of the shareholders shall be required, unless required by the provisions of the Constitution of Alabama as the same may be amended from time to time.

SECTION 90. SALE OF ASSETS OTHER THAN IN REGULAR COURSE OF BUSINESS.

A sale, lease, exchange, mortgage, pledge or other disposition, of all, or substantially all, the property and assets, with or without the good will, of a corporation, if not in the usual and regular course of its business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of cash or other property, including shares, obligations or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(a) The board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this Act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose, or one of the purposes is to consider the proposed sale, lease, exchange, or other disposition.

(c) At such meeting the shareholders may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of two-thirds of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event such authorization shall require the affirmative vote of the holders of two thirds of the shares of each class of shares entitled to vote as a class thereon and of the total shares entitled to vote thereon.

(d) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

SECTION 91. RIGHT OF SHAREHOLDERS TO DISSENT.

Any shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(a) Any plan of merger or consolidation to which the corporation is a party; or

(b) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale.

A shareholder may dissent as to less than all of the shares registered in his name. In that event, his rights shall be determined as if the shares as to which he has dissented and his other shares were registered in the names of different shareholders.

This section shall not apply to the shareholders of the surviving corporation in a merger if a vote of the shareholders of such corporation is not necessary to authorize such merger. Nor shall it apply to the holders of shares of any class or series if the shares of such class or series were registered on a national securities exchange on the date fixed to determine the shareholders entitled to vote at the meeting of shareholders at which a plan of merger or consolidation or a proposed sale or exchange of property and assets is to be acted upon unless the articles of incorporation of the corporation shall otherwise provide.

SECTION 92. RIGHTS OF DISSENTING SHAREHOLDERS.

Any shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such shareholder shall not have voted in favor thereof, such shareholder may, within ten days after the date on which the vote was taken or if a corporation is to be merged without a vote of its shareholders into another corporation, any of its shareholders may, within fifteen days after the plan of such merger shall have been mailed to such shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any shareholder failing to make demand within the applicable ten-day or fifteen-day period shall be bound by the terms of the proposed corporate action. Any shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a shareholder.

No such demand may be withdrawn unless the corporation shall consent thereto. If, however, such demand shall be withdrawn upon consent, or if the proposed corporate action shall be abandoned or rescinded or the shareholders shall revoke the authority to effect such action, or if, in the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger, or if no demand or petition for the determination of fair value by a court shall have been made or filed within the time provided in this section, or if a court of competent jurisdiction shall determine that such shareholder is not entitled to the relief provided by this section, then the right of such shareholder to be paid the fair value of his shares shall cease and his status as a shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting shareholder who has made demand as herein provided, and shall make a written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If within thirty days after the date on which such corporate action was effected the fair value of such shares is agreed upon between any such dissenting shareholder and the corporation, payment therefor shall be made

within ninety days after the date on which such corporate action was effected, upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares.

If within such period of thirty days a dissenting shareholder and the corporation do not so agree, then the corporation, within thirty days after receipt of written demand from any dissenting shareholder given within sixty days after the date of which such corporate action was effected, shall, or at its election any time within such period of sixty days may, file a petition in any court of competent jurisdiction in the county in this State where the registered office of the corporation is located requesting that the fair value of such shares be found and determined. If, in the case of a merger of consolidation, the surviving or new corporation is a foreign corporation without a registered office in this State, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting shareholder may do so in the name of the corporation. All dissenting shareholders, wherever residing, shall be made parties to the proceeding as an action against their shares quasi in rem. A copy of the petition shall be served on each dissenting shareholder who is a resident of this State and shall be served by registered or certified mail on each dissenting shareholder who is a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for the shares if the court shall find that the action of such shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers and a reasonable attorney's fee, but shall exclude the fees and expenses of experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the shareholder in the proceeding.

Within twenty days after demanding payment for his shares, each shareholder demanding payment shall submit the certificate or certificates

representing his shares to the corporation for notation thereon that such demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof.

Shares acquired by a corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held and disposed of by such corporation as in the case of other treasury shares, except that, in the case of a merger or consolidation, they may be held and disposed of as the plan of merger or consolidation may otherwise provide.

SECTION 93. VOLUNTARY DISSOLUTION BY INCORPORATORS.

A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time in the following manner:

(a) Articles of dissolution shall be executed by a majority of the incorporators, and verified by them, and shall set forth:

- (1) The name of the corporation.
- (2) The date of issuance of its certificate of incorporation.
- (3) That none of its shares has been issued.
- (4) That the corporation has not commenced business.

(5) That the amount, if any, actually paid in or subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.

(6) That no debts of the corporation remain unpaid.

(7) That a majority of the incorporators elect that the corporation be dissolved.

(b) The articles of dissolution and a copy thereof shall be delivered to the Probate Judge. If the Probate Judge finds that the articles of dissolution conform to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the articles of dissolution and on the copy the word "Filed", and the hour, day, month and year of the filing thereof.

(2) Record the articles of dissolution in his office and certify the copy thereof.

(3) Issue in duplicate a certificate of dissolution to which he shall affix the articles of dissolution and return such certificate of dissolution with the articles of dissolution affixed thereto to the incorporators or their representatives; and affix the certified copy of the articles of dissolution to the duplicate certificate of dissolution and forward the same to the Secretary of State for filing or recording.

Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease.

SECTION 94. VOLUNTARY DISSOLUTION BY CONSENT OF SHAREHOLDERS.

A corporation may be voluntarily dissolved by the written consent of all of its shareholders.

Upon the execution of such written consent, a statement of intent to dissolve shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (a) The name of the corporation.
- (b) The names and respective addresses of its officers.
- (c) The names and respective addresses of its directors.
- (d) A copy of the written consent signed by all shareholders of the corporation.
- (e) A statement that such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

SECTION 95. VOLUNTARY DISSOLUTION BY ACT OF CORPORATION.

A corporation may be dissolved by the act of the corporation, when authorized in the following manner:

(a) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written notice shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or special meeting, shall state that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation.

(c) At such meeting a vote of shareholders entitled to vote thereat shall be taken on a resolution to dissolve the corporation. Such resolution shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the resolution shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

(d) Upon the adoption of such resolution, a statement of intent to dissolve shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (1) The name of the corporation.
- (2) The names and respective addresses of its officers.

- (3) The names and respective addresses of its directors.
- (4) The copy of the resolution adopted by the shareholders authorizing the dissolution of the corporation.
- (5) The number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.
- (6) The number of shares voted for and against the resolution, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against the resolution, respectively.

SECTION 96. FILING OF STATEMENT OF INTENT TO DISSOLVE

The statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the Probate Judge. If the Probate Judge finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (a) Endorse on the statement of intent to dissolve, the word "Filed", and the hour, day, month and year of the filing thereof.
- (b) Record the statement of intent to dissolve and forward the same to the Secretary of State for filing or recording

SECTION 97. EFFECT OF STATEMENT OF INTENT TO DISSOLVE.

Upon the filing a statement of intent to dissolve, whether by consent or shareholders or by act of the corporation, the corporation shall cease to carry on its business, except insofar as may be necessary for the winding up thereof, but its corporate existence shall continue until a certificate of dissolution has been issued or until a decree dissolving the corporation has been entered by a court of competent jurisdiction as in the Act provided.

SECTION 98. PROCEDURE AFTER FILING OF STATEMENT OF INTENT TO DISSOLVE.

After the filing of a statement of intent to dissolve:

- (a) The corporation shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.
- (b) The corporation, at any time during the liquidation of its business and affairs, may make application to a court of competent jurisdiction within the state and judicial subdivision in which the registered office or principal place of business of the corporation is situated, to have the liquidation continued under the supervision of the court as provided in this Act.

SECTION 99. REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS BY CONSENT OF SHAREHOLDERS.

By the written consent of all of its shareholders, a corporation may, at any time prior to the issuance of a certificate of dissolution, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

Upon the execution of such written consent, a statement of revocation of voluntary dissolution proceedings shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (a) The name of the corporation.
- (b) The names and respective addresses of its officers.
- (c) The names and respective addresses of its directors.
- (d) A copy of the written consent signed by all shareholders of the corporation revoking such voluntary dissolution proceedings.
- (e) That such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized

SECTION 100. REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS BY ACT OF CORPORATION.

By the act of the corporation, a corporation may, at any time prior to the issuance of a certificate of dissolution revoke voluntary dissolution proceedings theretofore taken, in the following manner:

(a) The board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of shareholders.

(b) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of special meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote thereat shall be taken on a resolution to revoke the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon.

(d) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (1) The name of the corporation.
- (2) The names and respective addresses of its officers.
- (3) The names and respective addresses of its directors.
- (4) A copy of the resolution adopted by the shareholders revoking the voluntary dissolution proceedings.
- (5) The number of shares outstanding.
- (6) The number of shares voted for and against the resolution, respectively.

SECTION 101. FILING OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS.

The statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, shall be delivered to the Probate Judge. If the Probate Judge finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (a) Endorse on the statement of revocation of voluntary dissolution proceedings the word "Filed", and the hour, day, month and year of the filing thereof.
- (b) Record the statement of revocation of voluntary dissolution proceedings and forward the same to the Secretary of State for recording of filing.

SECTION 102. EFFECT OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS.

Upon the filing by the judge of probate of a statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, the revocation of the voluntary dissolution proceedings shall become effective and the corporation may again carry on its business.

SECTION 103. ARTICLES OF DISSOLUTION.

If voluntary dissolution proceedings have not been revoked, then when all known debts, liabilities and obligations of the corporation have been paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the corporation have been distributed to its shareholders, articles of dissolution shall be executed for the corporation by its president or a vice president and by its secretary or by an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (a) The name of the corporation.
- (b) That a statement of intent to dissolve the corporation has theretofore been filed, and the date on which such statement was filed.
- (c) That all known debts, obligations and liabilities of the corporation have been paid and discharged or that adequate provisions have been made therefor.
- (d) That all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests.
- (e) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

SECTION 104. FILING OF ARTICLES OF DISSOLUTION.

The articles of dissolution and a copy thereof shall be delivered to the Probate Judge. If the Probate Judge finds that such articles of dissolution conform to law, he shall:

- (a) Endorse on the articles of dissolution and on the copy the word "Filed", and the hour, day, month and year of the filing thereof.

(b) Record the articles of dissolution in his office and certify the copy thereof.

(c) Issue in duplicate a certificate of dissolution to which he shall affix the articles of dissolution and return such certificate of dissolution with the articles of dissolution affixed thereto to the representative of the dissolved corporation; and affix the duplicate certificate of dissolution to the certified copy of the articles of dissolution and forward the same to the Secretary of State for filing or recording.

Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this Act.

SECTION 105. INVOLUNTARY DISSOLUTION.

A corporation may be dissolved involuntarily by an order of the circuit court of the county in which the registered officer of the corporation is situated in an action filed by the Attorney General when it is established that:

(a) The corporation has failed to file its annual report within the time required by this Act, or has failed to pay its franchise tax on or before the expiration of six months after the date on which such franchise tax becomes due and payable; or

(b) The corporation procured its articles of incorporation through fraud; or

(c) The corporation has repeatedly and willfully exceeded or abused the authority conferred upon it by law; or

(d) The corporation has failed for thirty days to appoint and maintain a registered agent in this state.

SECTION 106. NOTIFICATION TO ATTORNEY GENERAL AND SECRETARY OF STATE.

The Commissioner of Revenue, on or before the last day of December of each year, shall certify to the Attorney General and to the Secretary of State the names of all corporation which have failed to file their annual reports or to pay franchise taxes, together with the facts pertinent thereto. He shall also certify, from time to time, the names of all corporations which have given other cause of dissolution as provided in this Act, together with the facts pertinent thereto. Whenever the Commission of Revenue shall certify the name of a corporation to the Attorney General as having given any cause for dissolution, the Commissioner of Revenue shall concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt of such certification, the Attorney General shall file an action in the name of the State against such corporation for its dissolution. Every such certificate from the Commissioner of Revenue to the Attorney General pertaining to the failure of a corporation to file an annual report or pay a franchise tax shall be taken and received in all courts as prima facie evidence of the facts therein stated. If, before action is filed, the corporation shall file its annual report or pay its franchise tax, together with all penalties thereon, or shall appoint or maintain a registered agent as provided in this Act, such fact shall be forthwith certified by the Commissioner of Revenue or

the Secretary of State to the Attorney General and he shall not file an action against such corporation for such cause. If, after action is filed, the corporation shall file its annual report or pay its franchise tax, together with all penalties thereon, shall appoint or maintain a registered agent as provided in this Act, and shall pay the cost of such action, the action for such cause shall abate.

SECTION 107. VENUE AND PROCESS.

Every action for the involuntary dissolution of a corporation shall be commenced by the Attorney General in the circuit court of the county in which the registered office of the corporation is situated. Summons shall issue and be served as in other civil actions. If process is returned not found, the Attorney General shall cause service to be made by publication as in other civil cases in some newspaper published in the county where the registered office of the corporation is situated.

SECTION 108. JURISDICTION OF COURT TO LIQUIDATE ASSETS AND BUSINESS OF CORPORATION.

The circuit court of the county in which the registered office of the corporation is situated shall have full power to liquidate the assets and business of a corporation:

(a) In an action by a shareholder when it is established:

(1) That the directors are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock, and that irreparable injury to the corporation is being suffered or is threatened by reason thereof; or

(2) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(3) That the shareholders are deadlocked in voting power, and have failed, for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired upon the election of their successors; or

(4) That the corporate assets are being misapplied or wasted; or

(5) That the corporation is insolvent.

(b) In an action by a creditor:

(1) When the claim of the creditor has been reduced to judgment and an execution thereon returned unsatisfied and it is established that the corporation is insolvent; or

(2) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(c) Upon application by a corporation which has filed a statement of intent to dissolve, as provided in this Act, to have its liquidation continued under the supervision of the court.

(d) When an action has been filed by the Attorney General to dissolve a corporation and it is established that liquidation of its business and affairs should precede the entry of a decree of dissolution.

Proceedings under this section shall be brought in the county in which the registered office of the corporation is situated.

It shall not be necessary to make shareholders parties to any such action or proceeding unless relief is sought against them personally.

SECTION 109. PROCEDURE IN LIQUIDATION OF CORPORATION BY COURT.

In proceedings to liquidate the assets and business of a corporation the court shall have power to issue restraining orders or injunctions, to appoint a receiver or receivers pendente lite, with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by subscribers on account of any unpaid portion of the consideration for the issuance of shares. Such liquidation receiver or receivers shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the proceeds resulting from a sale, conveyance or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its shareholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The court shall have power to allow from time to time as expenses of the liquidation compensation to the receiver or receivers and to attorneys in the proceedings, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

SECTION 110. QUALIFICATIONS OF RECEIVERS.

A receiver shall in all cases be a natural person, a partnership, a professional association or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this State, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

SECTION 111. FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS.

In proceedings to liquidate the assets and business of a corporation, the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the

order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

SECTION 112. DISCONTINUANCE OF LIQUIDATION PROCEEDINGS.

The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

SECTION 113. ORDER OF INVOLUNTARY DISSOLUTION.

In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts and obligations, all the property and assets have been applied so far as they will go to their payment, the court shall enter an order dissolving the corporation, whereupon the existence of the corporation shall cease.

SECTION 114. FILING OF ORDER OF DISSOLUTION.

In case the court shall enter an order dissolving a corporation, it shall be the duty of the clerk of such court to cause certified copies of the order to be filed with the probate judge and Secretary of State. No fee shall be charged by the probate judge or the Secretary of State for filing thereof.

SECTION 115. DEPOSIT WITH COMMISSIONER OF REVENUE OF AMOUNT DUE CERTAIN SHAREHOLDERS.

Upon the voluntary or involuntary dissolution of a corporation, the portion of the assets distributable to a creditor or shareholder who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, shall be reduced to cash and deposited with the Commissioner of Revenue and shall be paid over to such creditor or shareholder or to his legal representative upon proof satisfactory to the Commissioner of Revenue of his right thereto

SECTION 116. SURVIVAL OF REMEDY AFTER DISSOLUTION.

The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the Probate Judge, or (2) by a decree of court when the court has not liquidated the assets and business of the corporation as provided in this Act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability

incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protest such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration.

SECTION 117. ADMISSION OF FOREIGN CORPORATION.

No foreign corporation shall have the right to transact business in this State until it shall have procured a certificate of authority so to do from the Secretary of State. No foreign corporation shall be entitled to procure a certificate of authority under this Act to transact in this State any business which a corporation organized under this Act is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this State, and nothing in this Act contained shall be construed to authorize this State to regulate the organization or the internal affairs of such corporation.

SECTION 118. POWERS OF FOREIGN CORPORATION.

A foreign corporation which shall have received a certificate of authority under this Act shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this Act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the applicaiton pursuant to which such certificate of authority is issued; and, except as in this Act otherwise provided, shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

SECTION 119. CORPORATE NAME OF FOREIGN CORPORATION.

No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation:

(a) Shall contain the word "corporation" or "incorporated" or shall contain an abbreviation of one of such words, or such corporation shall, for use in this State, add at the end of its name one of such words or an abbreviation thereof.

(b) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking, a trust company, or insurance, unless it be authorized or empowered to conduct the business of banking, a trust company or insurance.

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State or any foreign corporation authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in

this Act, or the name of a corporation which has in effect a registration of its name as provided in this Act except that this provision shall not apply if the foreign corporation applying for a certificate of authority files with the Secretary of State any one of the following:

(1) A resolution of its board of directors adopting a fictitious name for use in transacting business in this State which fictitious name is not deceptively similar to the name of any domestic corporation or of any foreign corporation authorized to transact business in this State or to any name reserved or registered as provided in this Act, or

(2) The written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name, or

(3) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of such foreign corporation to the use of such name in this State

SECTION 120. CHANGE OF NAME BY FOREIGN CORPORATION.

Whenever a foreign corporation which is authorized to transact business in this State shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter transact any business in this State until it has changed its name to a name which is available to it under the laws of this State or has otherwise complied with the provisions of this Act.

SECTION 121. APPLICATION FOR CERTIFICATE OF AUTHORITY.

A foreign corporation, in order to procure a certificate of authority to transact business in this State, shall make application therefor to the Secretary of State, which application shall set forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) If the name of the corporation does not contain the word "corporation" or "incorporated", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this State.

(c) The date of incorporation and the period of duration of the corporation.

(d) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(e) The address of the proposed registered office of the corporation in this State, and the name of its proposed registered agent in this State at such address.

(f) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this State, which may include the transaction of any or all lawful business for which corporations may be organized under this Act.

(g) The names and respective addresses of the directors and officers of the corporation.

(h) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(i) A statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(j) A statement, expressed in dollars, of the amount of stated capital of the corporation, as defined in this Act.

(k) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine whether such corporation is entitled to a certificate of authority to transact business in this State and to determine and assess the fees payable as in this Act prescribed.

Such application shall be made on forms prescribed and furnished by the Secretary of State and shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such application.

SECTION 122. FILING OF APPLICATION FOR CERTIFICATE OF AUTHORITY.

The application of the corporation for a certificate of authority and one copy thereof shall be delivered to the Secretary of State, together with a certified copy of its articles of incorporation and all amendments thereto.

If the Secretary of State finds that such application conforms to law, he shall, when all fees prescribed in this Act have been paid:

(a) Endorse on such application and on the copy thereof the word "Filed", and the hour, day, month and year of the filing thereof.

(b) File in his office the application and the certified copy of the articles of incorporation and amendments thereto and certify the copy of such application.

(c) Issue a certificate of authority to transact business in this State to which he shall affix the copy of the application, and return such certificate of authority with the certified copy of the application affixed thereto to the corporation or its representative.

SECTION 123. EFFECT OF CERTIFICATE OF AUTHORITY.

Upon the issuance of a certificate of authority by the Secretary of State, the corporation shall be authorized to transact business in this State for those purposes set forth in its application, subject, however, to the right of this State to suspend or to revoke such authority as provided in this Act.

SECTION 124. REGISTERED OFFICE AND REGISTERED AGENT OF FOREIGN CORPORATION.

Each foreign corporation authorized to transact business in this State shall have and continuously maintain in this State:

(a) A registered office which may be, but need not be, the same as its place of business in this State.

(b) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this State, having a business office identical with such registered office.

SECTION 125. CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT OF FOREIGN CORPORATION.

A foreign corporation authorized to transact business in this State may change its registered office or change its registered agent, or both, upon filing in the Office of the Secretary of State a statement setting forth:

- (a) The name of the corporation.
- (b) The address of its then registered office.
- (c) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (d) The name of its then registered agent.
- (e) If its registered agent be changed, the name of its successor registered agent.
- (f) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

Such statement shall be executed for the corporation by its president or a vice president, and verified by him, and delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to the provisions of this Act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the Secretary of State, who shall forthwith mail a copy thereof to the corporation at its principal office in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of thirty days after receipt if such notice by the Secretary of State.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office, of any corporation of which he or it is registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to (e) and must recite that a copy of the statement has been mailed to the corporation.

SECTION 126. SERVICE OF PROCESS ON FOREIGN CORPORATION.

The registered agent so appointed by a foreign corporation authorized to transact business in this State shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a foreign corporation authorized to transact business in this State shall fail to appoint or maintain a registered agent in this State, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then it may be served as provided by the Alabama Rules of Civil Procedure.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

SECTION 127. AMENDMENT TO ARTICLES OF INCORPORATION OF FOREIGN CORPORATION.

Whenever the articles of incorporation of a foreign corporation authorized to transact business in this State are amended, such foreign corporation shall, within thirty days after such amendment becomes effective, file in the office of the Secretary of State a copy of such amendment duly authenticated by the proper officer of the state or country under the laws of which it is incorporated; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in the transaction of business in this State, nor authorize such corporation to transact business in this State under any other name than the name set forth in its certificate of authority.

SECTION 128. MERGER OF FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE; EFFECT OF MERGER OR CONSOLIDATION OF FOREIGN CORPORATIONS.

Whenever a foreign corporation authorized to transact business in this State shall be a party to a statutory merger permitted by the laws of the state or country under the laws of which it is incorporated, and such corporation shall be the surviving corporation, it shall, within thirty days after such merger becomes effective, file with the Secretary of State a copy of the articles of merger duly authenticated by the proper officer of the state or country under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to transact business in this State unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this State other or additional purposes than those which it is then authorized to transact in this State.

The effect of a merger or consolidation of two or more foreign corporations shall be the same as the case of the merger or consolidation of domestic corporations except insofar as the laws of the state or states under the laws of which the merger or consolidation was effected provide otherwise; provided, however, that a foreign corporation resulting from any consolidation of two or more foreign corporations, or a foreign corporation surviving any merger of two or more foreign corporations, that is not at the time of such consolidation or merger authorized to transact business in this State, shall not thereafter do any business in this State without first obtaining a certificate of authority to transact business in this State in the manner provided by the laws of this State.

SECTION 129. AMENDED CERTIFICATE OF AUTHORITY.

A foreign corporation authorized to transact business in this State shall procure an amended certificate of authority in the event it changes its corporation name, or desires to pursue in this State other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the Secretary of State.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing thereof with the Secretary of State, the issuance of an amended certificate of authority and the effect thereof, shall be same as the case of an original application for a certificate of authority

SECTION 130. WITHDRAWAL OF FOREIGN CORPORATION.

A foreign corporation authorized to transact business in this State may withdraw from this State upon procuring from the Secretary of State a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the Secretary of State an application for withdrawal, which shall set forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) That the corporation is not transacting business in this State.

(c) That the corporation surrenders its authority to transact business in this State.

(d) That the corporation revokes the authority of its registered agent in this State to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this State during the time the corporation was authorized to transact business in this State may thereafter be made on such corporation by service thereof on the Secretary of State.

(e) A post-office address to which the Secretary of State may mail a copy of any process against the corporation that may be served on him.

(f) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine and assess any unpaid fees payable by such foreign corporation as in this Act prescribed.

The application for withdrawal shall be made on forms prescribed and furnished by the Secretary of State and shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

SECTION 131. FILING OF APPLICATION FOR WITHDRAWAL.

The application for withdrawal and one copy thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such application conforms to the provisions of this Act, he shall, when all fees prescribed in this Act and franchise taxes have been paid:

(a) Endorse on such application and on the copy thereof the word "Filed", and the hour, day, month and year of the filing thereof.

(b) File the application in his office and certify the copy of the application.

(c) Issue a certificate of withdrawal to which he shall affix the certified copy of the application, and return such certificate of withdrawal with the certified copy of the application affixed thereto to the corporation or its representative.

Upon the issuance of such certificate of withdrawal by the Secretary of State, the authority of the corporation to transact business in this State shall cease.

SECTION 132. REVOCATION OF CERTIFICATE OF AUTHORITY.

The certificate of authority of a foreign corporation to transact business in this State may be revoked by the Secretary of State upon the conditions prescribed in this section when:

(a) The corporation has failed to file its annual report within the time required by this Act, or has failed to pay any fees, franchise taxes or penalties prescribed by law when they have become due and payable; or

(b) The corporation has failed to appoint and maintain a registered agent in this State as required by this Act; or

(c) The corporation has failed, after change of its registered office or registered agent, to file in the office of the Secretary of State a statement of such change as required by this Act; or

(d) The corporation has failed to file in the office of the Secretary of State certified copies of any amendment to its articles of incorporation or certified copies of any articles of merger within the term prescribed by this Act; or

(e) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this Act.

No certificate of authority of a foreign corporation shall be revoked by the Secretary of State unless (1) he shall have given the corporation not less than 60 days' notice thereof by mail addressed to its registered office in this State, and (2) the corporation, having exhausted its administrative and judicial remedies, shall fail prior to revocation to file such annual report, or pay such fees, franchise taxes or penalties, or file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation.

SECTION 133. ISSUANCE OF CERTIFICATE OF REVOCATION.

Upon revoking any such certificate of authority, the Secretary of State shall:

(a) Issue a certificate of revocation.

(b) File the certificate of revocation in his office and certify a copy thereof.

(c) Mail to such corporation at its registered office in this State a notice of such revocation accompanied by the certified copy of the certificate of revocation.

Upon the issuance of such certificate of revocation, the authority of the corporation to transact business in this State shall cease.

SECTION 134. APPLICATION TO CORPORATION HERETOFORE AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE.

Foreign corporations which are duly authorized to transact business in this State at the time this Act takes effect, for a purpose or purposes for which a corporation might secure such authority under this Act, shall be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this

State under this Act and from the time this Act takes effect such corporation shall be subject to all the limitations, restrictions, liabilities and duties prescribed herein for foreign corporations procuring certificates of authority to transact business in this State under this Act.

SECTION 135. TRANSACT BUSINESS WITHOUT CERTIFICATE OF AUTHORITY.

All contracts or agreements made or entered into in this State by foreign corporations which have not obtained a certificate of authority to transact business in this State shall be held void at the action of such foreign corporation or any person claiming through or under such foreign corporation by virtue of said void contract or agreement; but nothing in this section shall abrogate the equitable rule that he who seeks equity must do equity; provided, that the failure of a foreign corporation to obtain a certificate of authority shall not impair the validity of any contract or agreement heretofore or hereafter entered into and consisting of a mortgage upon real property or an interest in real property in this State, and the note secured thereby, where the mortgage is insured by the Federal Housing Administration or guaranteed by the Veterans Administration, if said foreign corporation shall have thereafter obtained a certificate of authority. In all actions against such foreign corporation, or against any person claiming under such foreign corporation by virtue of such void contract, the foreign corporation or such person claiming under it shall be held to be estopped from setting up the fact that the contract or agreement was so made in violation of law. In all actions against foreign corporations who have not obtained a certificate of authority, the summons or other process may be served upon the officer, agent or employee of the foreign corporation who acted for or represented such foreign corporation in making the contract or agreement sued upon.

A foreign corporation which transacts business in this State without a certificate of authority shall be liable to this State, for the years of parts thereof during which it transacted business in this State without a certificate of authority, in an amount equal to all fees and taxes which would have been imposed upon such corporation had it duly applied for and received a certificate of authority to transact business in this State as required by this Act and thereafter filed all reports required by this Act, plus all penalties imposed for failure to pay such fees and taxes. The Attorney General shall bring proceedings to recover all amounts due this State under the provisions of this Section.

SECTION 136. ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS.

Each domestic corporation, and each foreign corporation authorized to transact business in this State, shall file, within the time prescribed by this Act, an annual report setting forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) The address of the registered office of the corporation in this State, and the name of its registered agent in this State at such address, and, in case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(c) A brief statement of the character of the business in which the corporation is actually engaged in this State.

(d) The names and respective addresses of the president and secretary of the corporation.

Such annual report shall be made on prescribed forms and the information therein contained shall be given as of the date of the execution of the report. It shall be executed for the corporation by its president, a vice president, secretary, an assistant secretary, or treasurer, and verified by the officer executing the report, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

SECTION 137. FILING OF ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS.

Such annual report of a domestic or foreign corporation shall be delivered to the Secretary of State between the first day of January and the fifteenth day of March of each year except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the fifteenth day of March of the year, next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the Secretary of State. Proof to the satisfaction of the Secretary of State that prior to the fifteenth day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the Secretary of State finds that such report conforms to the requirements of this Act, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was mailed to the corporation by the Secretary of State.

SECTION 138. FEES, CHARGES AND PENALTIES TO BE COLLECTED BY PROBATE JUDGE AND SECRETARY OF STATE.

The Probate Judge or the Secretary of State, as the case may be, shall charge and collect in accordance with the provisions of this Act:

- (a) Fees for filing documents and issuing certificates.
- (b) Miscellaneous charges and penalties imposed by this Act.

SECTION 139. FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES.

In lieu of all other charges and fees, except a charge of \$1.50 per page for recording by the Probate Judge and \$1.50 per page for the State of Alabama for recording by the Secretary of State, the Probate Judge shall charge and collect in accordance with the provisions of this Act:

- (a) Filing articles of incorporation and issuing a certificate of incorporation, Twenty dollars for the State of Alabama and Twenty-Five dollars for the Probate Judge.
- (b) Filing articles of corrections, Ten dollars for the Probate Judge and Ten Dollars for the State of Alabama.
- (c) Filing articles of amendment and issuing a certificate of amendment, Ten Dollars for the Probate Judge and Five Dollars for the State of Alabama.

(d) Filing restated articles of incorporation, Twenty-Five Dollars for the Probate Judge and Twenty Dollars for the State of Alabama.

(e) Filing articles of merger of consolidation and issuing a certificate of merger or consolidation, Seventy-Five dollars for the State of Alabama and Twenty-Five dollars for the Probate Judge.

(f) Filing an application to reserve a corporate name, Ten Dollars for the State of Alabama.

(g) Filing a notice of transfer of a reserved corporate name, Five dollars for the State of Alabama.

(h) Filing a statement of change of address of registered office or change of registered agent, or both, Five dollars for the State of Alabama.

(i) Filing a statement of the establishment of a series of shares, Five dollars for the Probate Judge and Five Dollars for the State of Alabama.

(j) Filing a statement of cancellation of shares, Five Dollars for the Probate Judge and Five Dollars for the State of Alabama.

(k) Filing a statement of reduction of stated capital, Five dollars for the Probate Judge and Five Dollars for the State of Alabama.

(l) Filing a statement of intent to dissolve, Five dollars for the Probate Judge and Five Dollars for the State of Alabama.

(m) Filing a statement of revocation of voluntary dissolution proceedings, Five Dollars for the Probate Judge and Five Dollars for the State of Alabama.

(n) Filing articles of dissolution, Five dollars for the Probate Judge and Five Dollars for the State of Alabama.

(o) Filing an application of a foreign corporation for a certificate of authority to transact business in this State and issuing a certificate of authority, Seventy-five dollars for the State of Alabama.

(p) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority, Twenty-five dollars for the State of Alabama.

(q) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this State, Twenty-five dollars for the State of Alabama.

(r) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this State, One Hundred dollars for the State of Alabama.

(s) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, Five dollars for the State of Alabama.

(t) Filing an annual report or any other statement or report of a domestic or foreign corporation, Ten dollars for the State of Alabama.

When appropriate two checks shall accompany the document, one payable to the Probate Judge for all charges for the Probate Judge, and one payable to the State of Alabama covering all charges for the Secretary of State. The check for the Secretary of State will be forward by the Probate Judge to the Secretary of State.

The fees herein imposed for the State of Alabama shall be collected by the Secretary of State and paid into the treasury of the State.

The fees herein imposed for the Office of the Probate Judge shall be charged and paid into the appropriate county treasury or to the Probate Judge as may be authorized or required by law.

SECTION 140. MISCELLANEOUS CHARGES.

The Probate Judge or Secretary of State shall charge and collect:

(a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, One Dollar Fifty cents per page and One Dollar Fifty cents for the certificate and affixing the seal thereto.

(b) At the time of any service of process on the Secretary of State as resident agent of a corporation, an amount as prescribed pursuant to law or rule of court, or where no amount is so prescribed, then the amount of \$10.

SECTION 141. PENALTIES IMPOSED UPON CORPORATIONS.

Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by this Act, or within 30 days after receipt of written notice of its failure to file its annual report, shall be subject to a penalty of ten per cent of the amount of the franchise tax assessed against it for the period of the year in which such report should have been filed or Five Hundred Dollars whichever is the lesser; provided, that in no event shall the amount paid by any such corporation be less than the sum of \$10.

SECTION 142. PENALTIES IMPOSED UPON OFFICERS AND DIRECTORS.

Each officer or director of a corporation, domestic or foreign, who signs any articles, statement, report, application or other document filed with the Secretary of State which is known to such officer or director to be false in any material respect, shall be deemed to be guilty of a misdemeanor, and upon receiving conviction thereof may be fined in any amount not exceeding five hundred dollars.

SECTION 143. MODE OF RECORDING.

The judges of probate shall record in accordance with §35-4-58, Code of Alabama 1975; and the Secretary of State may record by photostatic, photographic or microphotographic process or by any other generally recognized reproduction process, and any reproduction so made, whether enlarged or not, shall have the same force and effect as the original thereof and be admitted in evidence equally with the original. After such reproduction is made, the original thereof may be disposed of by returning the same to the corporation or its representative.

SECTION 161. LAW APPLICABLE TO CLOSE CORPORATIONS.

(a) Sections 161 through 174 of this Act apply to all close corporations, as defined in section 162 of this Act. Unless a corporation elects to become a close corporation in the manner prescribed, it shall be subject in all respects to the provisions of this Act, except sections 162 through 174 dealing with close corporations.

(b) All provisions of this Act shall be applicable to all close corporations as defined in section 162 herein except insofar as sections 162 through 174 otherwise provide.

(c) Neither election to become, nor operation as, a close corporation shall deprive any share holder of such corporation of the limitation of liability provided under section 25 of this Act.

SECTION 162. CLOSE CORPORATION DEFINED; CONTENTS OF ARTICLES OF INCORPORATION.

(a) A close corporation is a corporation organized under this Act whose articles of incorporation contain the provisions required by section 64 of this Act and, in addition, provide that:

(1) The corporation is a close corporation authorized by Sections 161 through 174 of this Act;

(2) All of the issued shares of all classes shall be subject to one or more of the restrictions of transfer permitted by section 23 of this Act; and

(3) For purposes of determining the number of holders of record of the stock of a close corporation, stock which is held in joint or common tenancy or by the entireties shall be treated as held by one shareholder.

(b) The articles of incorporation of a close corporation may set forth the qualifications of shareholders, either by specifying classes of persons who shall be entitled to be holders of record of shares of any class, or by specifying classes of persons who shall not be entitled to be holders of shares of any class or both.

(c) All of the corporation's issued shares of all classes, exclusive of treasury shares, shall be held of record by not more than a specified number of persons, not exceeding 30.

SECTION 163. FORMATION OF A CLOSE CORPORATION.

A close corporation shall be formed in accordance with sections 63 through 68 of this Act, except that such formation must be authorized by the affirmative vote of all holders of and subscribers to shares of the corporation, and:

(a) The articles of incorporation shall contain a heading stating the name of the corporation and that it is a close corporation, and

(b) The articles of incorporation shall contain the provisions required by section 162 of this Act, and

(c) Each certificate for shares shall conspicuously note the fact that the corporation is a close corporation and make reference to the restriction on transfer of shares set forth in the articles of incorporation.

SECTION 164. ELECTION OF EXISTING CORPORATION TO BECOME A CLOSE CORPORATION.

Any corporation subject to this Act may become a close corporation by amending its articles of incorporation to contain a statement that it elects to become a close corporation, to contain the provisions required by section 162 of this Act to appear in the articles of incorporation of a close corporation, and to contain a heading stating the name of the corporation and that it is a close corporation. Such amendment shall be adopted in accordance with the requirements of this Act, except that it must be approved by the unanimous affirmative vote of the holders of record of all the shares of each class of stock of the corporation which are outstanding.

SECTION 165. VOLUNTARY TERMINATION OF CLOSE CORPORATION STATUS BY AMENDMENT OF ARTICLES OF INCORPORATION; VOTE REQUIRED.

(a) A corporation may voluntarily terminate its status as a close corporation and cease to be subject to this article by amending its articles of incorporation to delete therefrom the additional provisions required or permitted by section 162 of this Act to be stated in the articles of incorporation of close corporation except such provisions as are permitted by this Act which the corporation chooses to retain. Any such amendment shall be adopted and shall become effective in accordance with section 74, of this Act, except that it must be approved by a vote of the holders of record of at least one-third of the shares of each class of stock of the corporation which are outstanding.

(b) The articles of incorporation of a close corporation may provide that on any amendment to terminate its status as a close corporation, a vote greater than one-third or a vote of all shares of any class shall be required; and if the certificate of incorporation contains such a provision, that provision shall not be amended, repealed or modified by any vote less than that required to terminate the corporation's status as a close corporation

SECTION 166. ISSUANCE OR TRANSFER OF SHARES OF A CLOSE CORPORATION IN BREACH OF QUALIFYING CONDITIONS.

(a) If shares of a close corporation are issued or transferred to any person who is not entitled under any provision of the articles of incorporation permitted by section 162 of this Act to be a holder of record of shares of such corporation, and if the certificate of shares conspicuously notes the qualifications of the persons entitled to be holders of record thereof, such person is conclusively presumed to have notice of the fact of his ineligibility to be a shareholder.

(b) If a certificate for shares of any close corporation conspicuously notes the fact of a restriction on transfer of shares of the corporation and the restriction is one which is permitted by section 23 of this Act, the transferee of the shares is conclusively presumed to have notice of the fact that he has acquired shares in violation of the restriction, if such acquisition violates the restriction.

(c) Whenever any person to whom shares of a close corporation have been issued or transferred has, or is conclusively presumed under this section to have notice either that he is a person not eligible to be a holder of shares of the corporation, or that the transfer of shares is in violation of a restriction on transfer of shares, the corporation may, at its option, refuse to register transfer of the shares in to the name of the transferee in addition to any remedies which may be available under section 23 of this Act or otherwise.

(d) The provisions of subsection (c) shall not be applicable if the transfer of shares even though otherwise contrary to subsections (a) or (b), has been consented to by all the shareholders of the close corporation, or if the close corporation has amended its articles of incorporation in accordance with section 165 of this Act.

(e) The term "transfer", as used in this section, is not limited to a transfer for value.

(f) The provisions of this section do not in any way impair any rights of a transferee regarding any right to rescind the transaction or to recover under any applicable warranty express or implied.

SECTION 167. CORPORATE OPTION WHERE A RESTRICTION ON TRANSFER OF SHARES IS HELD INVALID.

If a restriction transfer of shares of a close corporation is held not to be authorized by section 23 of this Act, the corporation shall nevertheless have an option for a period of thirty days after the judgment setting aside the restriction becomes final, to acquire the restricted shares at a price which is agreed upon by the parties or if no agreement is reached as to price, then at the fair value as determined by the Circuit Court of the county in which the corporation has its registered office or any court is such place having jurisdiction. In order to determine fair value, the court may appoint an appraiser to receive evidence and report to the court his findings and recommendation as to fair value. The appraiser shall have such powers and shall proceed, so far as applicable, in the same manner as appraisers appointed under section 92 of this Act.

SECTION 168. AGREEMENTS RESTRICTING DISCRETION OF DIRECTORS.

A written agreement among the shareholders of a close corporation holding a majority of the outstanding shares entitled to vote, whether solely among themselves or with a party not a shareholder, is not invalid, as between the parties to the agreement, on the ground that it so relates to the conduct of the business and affairs of the corporation as to restrict or interfere with the discretion or powers of the board of directors. The effect of any such agreement shall be to relieve the directors and impose managerial acts or omissions which is imposed on directors to the extent and so long as the discretion or powers of the board in its management of corporate affairs is controlled by such agreement.

SECTION 169. MANAGEMENT BY SHAREHOLDERS.

The articles of incorporation of a close corporation may provide that the business of the corporation shall be managed by the shareholders of the corporation rather than by a board of directors. So long as this provision continues in effect.

(1) No meeting of shareholders need be called to elect directors;

(2) Unless the context clearly requires otherwise, the shareholders of the corporation shall be deemed to be directors for purposes of applying provisions of this article; and

(3) The shareholders of the corporation shall be subject to all liabilities of directors.

Such a provision may be inserted in the articles of incorporation by amendment if all incorporators and subscribers or all holders of record of all of the outstanding shares, whether or not having voting power, authorized such a provision. An amendment to the articles of incorporation to delete such a provision shall be adopted by a vote of the holders of record of not less than one-third of all outstanding shares of the corporation, whether or not otherwise entitled to vote. If the articles of incorporation contain a provision authorized by this section, the existence of such provisions shall be noted conspicuously on the face or back of every certificate for shares issued by such corporation.

SECTION 170. APPOINTMENT OF CUSTODIAN FOR CLOSE CORPORATION.

(a) The Circuit Court of the county in which the corporation has its registered office or any court in such place having jurisdiction, upon application of any shareholder, may appoint one or more persons to be custodians, and, if the corporation is insolvent, to be receivers, of any close corporation when:

(1) Pursuant to section 169 of this Act the business and affairs of the corporation are managed by the shareholders and they are so divided that the business of the corporation is suffering or is threatened with irreparable injury and any remedy with respect to such deadlock provided in the articles of incorporation or by-laws or in any written agreement of the shareholders has failed; or

(2) The petitioning shareholder has the right to the dissolution of the corporation under a provision of the articles of incorporation permitted by section 173 of this Act.

(b) In lieu of appointing a custodian for a close corporation under this section the court may appoint a provisional director, whose powers and status shall be as provided in section 171 of this Act if the Court determines that it would be in the best interest of the corporation. Such appointment shall not preclude any subsequent order of the Court appointing a custodian for such corporation.

(c) A custodian appointed under this section shall have all the powers of a receiver appointed under section 109 of this Act, but the authority of the custodian is to continue the business of the corporation and not to liquidate its affairs and distribute its assets, except when the court shall otherwise order.

SECTION 171. APPOINTMENT OF A PROVISIONAL DIRECTOR IN CERTAIN CASES.

(a) Notwithstanding any contrary provision of the articles of incorporation or the by-laws or agreement of the shareholders, the Circuit Court of the county in which the registered office of the corporation is located may appoint a provisional director for a close corporation if the directors are so divided respecting the management of the corporation's business and affairs that the votes required for action by the board of directors cannot be obtained with the consequence that the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally.

(b) An application for relief under this section must be filed (1) by at least one-half of the number of directors then in office, or (2) by the holders of at least one-third of all shares then entitled to elect directors, or, (3) if there be more than one class of shares then entitled to elect one or more directors, by the holders of two-thirds of the shares of any such class; but the articles of incorporation of a close corporation may provide that a lesser proportion of the directors or of the shareholders or of a class of shareholders may apply for relief under this section.

(c) A provisional director shall be an impartial person who is neither a shareholder nor a creditor of the corporation or of any subsidiary or affiliate of the corporation; and whose further qualifications, if any, may be determined by the Circuit Court of the county. A provisional director is not a receiver of the corporation and does not have the title of powers of a custodian or receiver.

A provisional director shall have all the rights and powers of a duly elected director of the corporation, including the right to notice of and to vote at meetings of directors, until such time as he shall be removed by order of the Circuit Court of the county or by the holders of a majority of all shares then entitled to vote to elect directors or by the holders of two-thirds of the shares of that class of voting shares which filed the application for appointment of a provisional director. His compensation shall be determined by agreement between him and the corporation subject to approval of the Circuit Court of the county, which may fix his compensation in the absence of agreement or in the event of disagreement between the provisional director and the corporation.

(d) Even though the requirements of subsection (b) of this section relating to the number of directors of shareholders who may petition for appointment of a provisional director are not satisfied, the Circuit Court of the county may nevertheless appoint a provisional director if permitted by subsection (b) of section 170 of this Act.

SECTION 172. SHAREHOLDERS' AGREEMENTS.

No written agreement among shareholders of a close corporation, nor any provision of the articles of incorporation or of the by-laws of the corporation, which agreement or provision relates to any phase of the affairs of such corporation, including but not limited to the management of its business or declaration and payment of dividends or other division of profits or the election of directors or officers or the employment of shareholders by the corporation or the arbitration of disputes, shall be invalid on the ground that it is an attempt by the parties to the agreement or by the shareholders of the corporation to treat the corporation as if it were a partnership or to arrange relations among the shareholders or between the shareholders and the corporation in a manner that would be appropriate only among partners.

SECTION 173. SHAREHOLDERS' OPTION TO DISSOLVE CORPORATION.

(a) The articles of incorporation of any close corporation may include a provision granting to any shareholder, or to the holders of any specified number or percentage of shares of any class of shares, an option to have the corporation dissolved at will or upon the occurrence of any specified event or contingency. Whenever any such option to dissolve is exercised, the shareholders exercising such option shall give written notice thereof to all other shareholders. After the expiration of 30 days following the sending of such notice, the dissolution of the corporation shall proceed as if the required number of shares having voting power and consented in writing to dissolution of the corporation as provided by section 94 of this Act.

(b) If the articles of incorporation as originally filed do not contain a provision authorized by subsection (a), the articles may be amended to include such provisions if adopted by the affirmative vote of the holders' of all the outstanding shares, whether or not entitled to vote, unless the articles of incorporation specifically authorizes such an amendment by a vote which shall be not less than two-thirds of all the outstanding shares whether or not entitled to vote.

(c) Each certificate for shares in any corporation whose articles of incorporation authorize dissolution as permitted by this section shall conspicuously note on the face thereof the existence of the provision. Unless noted conspicuously on the face of the certificate for shares the provision is ineffective.

SECTION 174. EFFECT OF THE CLOSE CORPORATION PROVISIONS ON OTHER LAWS.

Sections 161 through 174 of this Act shall not be deemed to repeal any statute or rule of law which is or would be applicable to any corporation which is organized under the provisions of this Act but is not a close corporation.

SECTION 180. POWERS OF PROBATE JUDGE AND SECRETARY OF STATE.

Each Probate Judge and the Secretary of State shall have the power and authority reasonably necessary to enable him to administer this Act efficiently and to perform the duties therein imposed upon him.

SECTION 181. APPEAL FROM PROBATE JUDGE OR SECRETARY OF STATE.

If the Probate Judge or the Secretary of State, when applicable, shall fail to approve any articles of incorporation, amendment, merger, consolidation or dissolution, or any other document required by this Act to be approved by the Probate Judge or the Secretary of State, before the same shall be filed in his office, he shall, within ten days after the delivery thereof to him, give written notice of his disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. From such disapproval such person or corporation may appeal to the circuit court of the county in which the disapproving officer has his office by filing with the clerk of such court a complaint setting forth a copy of the articles or other documents sought to be filed and a copy of the written disapproval thereof by the Probate Judge or Secretary of State; whereupon the matter shall be tried *de novo* by the court, and the court shall either sustain the action of the Probate Judge or Secretary of State, as the case may be, or direct him to take such action as the court may deem proper.

If the Secretary of State shall revoke the certificate of authority to transact business in this State of any foreign corporation, pursuant to the provisions of this Act, such foreign corporation may likewise appeal to the circuit court of Montgomery county by filing with the clerk of such court a petition setting forth a copy of its certificate of authority to transact business in this State and a copy of the notice of revocation given by the Secretary of State; whereupon the matter shall be tried *de novo* by the court, and the court shall either sustain the action of the Secretary of State or direct him to take such action as the court may deem proper.

Appeals from all final orders and judgments entered by the circuit court under this section in review of any ruling or decision of the Probate Judge or Secretary of State may be taken as in other civil actions.

SECTION 182. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED IN EVIDENCE.

All certificates issued by the Probate Judge or Secretary of State in accordance with the provisions of this Act, and all copies of documents filed in his office in accordance with the provisions of this Act when certified by him, shall be taken and received in all courts, public offices, and official bodies as *prima facie* evidence of the facts therein stated, except as provided in section 66 of this Act. A certificate by the Probate Judge or Secretary of State as to the existence or non-existence of the facts relating to corporations shall be taken and received in all courts, public offices, and official bodies as *prima facie* evidence of the existence or non-existence of the facts therein stated, except as provided in section 66 of this Act.

SECTION 183. FORMS TO BE FURNISHED BY SECRETARY OF STATE.

All reports required by this Act to be filed in the office of the Secretary of State shall be made on forms which shall be prescribed and furnished by the Secretary of State.

SECTION 184. APPLICATION TO EXISTING CORPORATIONS.

The provisions of this Act shall apply to all existing corporations organized under any general or special law of this State providing for the organization of corporations for a purpose or purposes for which a corporation might be organized under this Act, where the power has been reserved to amend, repeal or modify the act under which such corporation was organized and where such act is repealed by this Act.

SECTION 185. APPLICATION TO CORPORATION GENERALLY.

Without in any way limiting the generality of any provision of this Act, all of the provisions of this Act shall apply to banks, trust companies, savings and loan associations, insurance companies, public utilities and railroad companies, except to the extent, if any, that any provision of this Act is inconsistent with other statutes of this State specifically applicable to such corporations.

SECTION 186. APPLICATION TO FOREIGN AND INTERSTATE COMMERCE.

The provisions of this Act shall apply to commerce with foreign nations and among the several states only insofar as the same may be permitted under the provisions of the Constitution of the United States.

SECTION 187. RESERVATION OF POWER.

The legislature shall at all times have power to prescribe such regulations, provisions and limitations as it may deem advisable, which regulations, provisions and limitations shall be binding upon any and all corporations subject to the provisions of this Act, and the legislature shall have power to amend, repeal or modify this Act at pleasure.

SECTION 188. EFFECT OF REPEAL OF PRIOR ACTS.

The repeal of a prior act by this Act shall not impair, or otherwise affect, the organization or the continued existence of an existing corporation, nor the right of any foreign corporation presently qualified to do business in this State to continue to do so without again qualifying to do business in this State. Nor shall the repeal of a prior act by this Act affect any right accrued or established, or any liability or penalty incurred, or the construction of the certificate of incorporation or charter of any corporation organized before the enactment of this Act, or the determination of the rights and interests of any of its shareholders or creditors, under the provisions of such prior act before the repeal thereof.

SECTION 189. EFFECT OF INVALIDITY OF PART OF THIS ACT.

If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this Act so adjudged to be invalid or unconstitutional.

SECTION 190. FILING AND RECORDING.

All documents filed by the Probate Judge or the Secretary of State shall be recorded and a permanent record thereof shall be maintained by such office but no document shall be filed or recorded unless it complies with the provisions of this Act. When such document has been filed and recorded, the said executed copy of the document shall be returned to the corporation or its representative.

SECTION 191. FILINGS FOR CORPORATIONS CREATED BY ACT OF LEGISLATURE OR RESULTING FROM MERGER OR CONSOLIDATION.

For corporations created by an act of the legislature prior to the adoption of the Constitution of 1901 or which resulted from a merger or consolidation, all documents required by this Act to be delivered to the Probate Judge for filing shall be delivered to the Secretary of State for filing, all certificates required to be issued by the Probate Judge shall be issued by the Secretary of State, and all fees with respect to such filings and issuance of certificates shall be paid to the Secretary of State for the State of Alabama.

SECTION 192. LAWS REPEALED.

The following sections and all amendments thereto and all other sections and parts of sections in the Code of Alabama, 1975 inconsistent herewith are hereby repealed:

10-2-1 through 10-2-7, inclusive; 10-2-20, 10-2-22 through 10-2-35, inclusive; 10-2-50 through 10-2-58, inclusive; 10-2-70, 10-2-71, 10-2-90 through 10-2-98, inclusive; 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, inclusive; 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, inclusive; 10-2-169, 10-2-180 through 10-2-189, inclusive; 10-2-200 through 10-2-212, inclusive; 12-11-34 through 12-11-39, inclusive, all Code of Alabama 1975; and 10-2-250 through 10-2-254, inclusive, and 10-2-256, Code of Alabama 1975, insofar as they relate to business corporations.

SECTION 193. LAWS NOT REPEALED.

The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Without limitation of the generality of the preceding sentence of this section, this Act shall not repeal or supersede Sections 10-5-1; 11-49-1; 10-5-2 through 10-5-14, inclusive; or 10-2-270 through 10-2-275, inclusive; 10-6-1 through 10-6-4, inclusive; or 10-2-230, 10-2-231; or 8-6-90 through 8-6-95, inclusive; or 8-6-70 through 8-6-80, inclusive; or 10-2-255; or 10-2-163, 10-2-21, 10-2-168, all Code of Alabama 1975; or 10-2-250 through 10-2-254, inclusive, and 10-2-256, Code of Alabama 1975, insofar as they relate to non-profit foreign corporations; but nothing contained in this sentence shall be construed as implying that any law not specifically listed herein is or is not repealed or superseded by this Act.

SECTION 194: EFFECTIVE DATE.

This Act shall become effective at 12:01 a.m. on January 1, 1981, except sections 136 and 137 relating to annual reports shall become effective at 12:01 a.m. on January 1, 1982.

Mr. White moved that further consideration of the Bill, S.B. 71, be postponed until the Eighth Legislative Day.

Mr. St. John offered a substitute motion that further consideration of the Bill, S.B. 71, be postponed until the next Legislative Day as Unfinished Business, which motion was adopted.

The Bill:

S. 177. To amend section 40-8-1 of the Code of Alabama 1975, related to the assessment rate for ad valorem taxes, so as to redefine residential property.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S.B. 177, to-wit:

COMMITTEE SUBSTITUTE FOR S.B. 177

A BILL
TO BE ENTITLED
AN ACT

To amend, in implementation of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979, Section 40-8-1 of the Code of Alabama 1975; to define the classes of taxable property subject to ad valorem taxation by the State of Alabama and by all counties, municipalities or other taxing authorities therein, under authority of Article XI, Section 217 of the Constitution of Alabama of 1901, as amended; to redefine residential property; to prohibit retrospective or retroactive application of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979 with respect to any ad valorem tax accrued prior to October 1, 1979, thus prohibiting the refund of any such tax, or portion thereof; to provide an effective date for the act; and to provide that the provisions of this act shall apply to any taxes accruing after October 1, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intention of the legislature by this act to implement in part the provisions of Articles XI, Section 217 of the Constitution of Alabama of 1901, as amended by the constitutional amendment proposed in Act No. 79-541, Regular Session 1979, amending subsection (A) of constitutional amendment no. 373 and concerning the system of state and local ad valorem taxation provided therein.

Section 2. Section 40-8-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-8-1. (a) On and after October 1, 1978, with respect to ad valorem taxes levied by the state, and, unless otherwise provided, with respect to ad valorem taxes levied by a county, municipality or other taxing authority other than the state, all taxable property shall be divided into the following classes and no other and shall be assessed for ad valorem tax purposes at the following ratios of assessed value to the fair and reasonable market value of such property, or, as may be provided by law, to the current use value of such property:

"Class I. All property of utilities used in the business of such utilities, 30 percent.

"Class II. All property not otherwise classified, 20 percent.

"Class III. All agricultural, forest and residential property, and historic buildings and sites, 10 percent.

"Class IV. All private passenger automobiles and motor trucks of the type commonly known as 'pickups' or 'Pickup trucks' owned and operated by an individual for personal or private use and not for hire, rent or compensation, 15 percent.

"(b) As used herein, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ALL PROPERTY OF UTILITIES. All property assessed for taxation by the department of revenue pursuant to the provisions of chapter 21 of this title; provided, that after September 30, 1979, and only to the extent required by Title III, section 306 of Pub. L. 94-210 (the Railroad Revitalization and Regulatory Reform Act of 1976, codified as 49 U.S.C. § 26c), 'transportation property,' as that term is defined in the aforesaid statute, as heretofore or hereafter amended, or in any subsequent statute of similar import shall not be assessed Class I property.

"(2) ALL RESIDENTIAL PROPERTY. Only real Real property or that portion thereof used exclusively as a single family dwelling place by the owner or occupant there.; however, licensed hotels and motels are not to be deemed to be residential property.

"(3) AGRICULTURAL AND FOREST PROPERTY. All real property used for raising, harvesting and selling crops or for the feeding, breeding, management, raising, sale of or the production of livestock, including beef cattle, sheep, swine, horses, ponies, mules, poultry, fur-bearing animals, honeybees and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry or any combination thereof.

"(4) ALL PROPERTY NOT OTHERWISE CLASSIFIED.

All real and personal property which does not fall within any one or more of Classes I, III and IV.

"(5) ALL PRIVATE PASSENGER AUTOMOBILES AND MOTOR TRUCKS OF THE TYPE COMMONLY KNOWN AS "PICKUPS" OR 'PICKUP TRUCKS' OWNED AND OPERATED BY AN INDIVIDUAL FOR PERSONAL OR PRIVATE USE AND NOT FOR HIRE, RENT OF COMPENSATION. All private passenger automobiles, as that term is defined in sections 40-12-240, subdivision (12); and 40-12-241; and all motor trucks of the type commonly known as 'pickups' or 'pickup trucks,' weighing not exceeding 8,000 pounds.

"(6) HISTORIC BUILDINGS AND SITES. Regardless of the use to which such property is put, all buildings or structures (i) listed in the National Register of Historic Places or (ii) located in a registered historic district and certified by the United States secretary of the interior as being of historic significance to the district.

"(c) Wherever any statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes.

"(d) The following property shall be exempted from ad valorem taxation: the real and personal property of the state, counties and municipalities and real and personal property devoted exclusively to religious, education or charitable purposes. The property of Masonic lodges, Knights of Columbus homes and union halls shall be exempt when used exclusively for the purposes and business of such organization. All property now exempt by law shall continue to be exempt from taxation until changed by law.

Section 3. No retrospective or retroactive application of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979 shall be made with respect to any ad valorem tax accrued prior to October 1, 1979. In no case shall there be a refund of any ad valorem tax, or portion thereof, which has accrued prior to October 1, 1979, if the right to the said refund shall have arisen from the constitutional amendment proposed in Act No. 79-541, Regular Session 1979.

Section 4. The provisions of this act shall apply to any taxes accruing after October 1, 1979.

Section 5. This act shall become effective immediately, and simultaneously therewith, the adoption of an amendment to Article XI, Section 217, Constitution of Alabama of 1901 as amended, proposed in Act No. 79-541, Regular Session 1979.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Mitchem
Bailey	Figures	Keener	Parsons
Barron	Glass	Kirkland	Proctor
Britnell	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Little	Taylor
Clemon	Hall	Martin	Weeks
Cook	Harrison	McDonald	White
deGraffenried	Higginbotham	Miller	

—30

Nays:

—0

And said Bill, S.B. 177, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	deGraffenried	Higginbotham	Smith
Bailey	Denton	Keener	Taylor
Barron	Glass	Little	Teague
Britnell	Goodwin	Miller	Vacca
Callahan	Gulledge	Mitchem	Weeks
Clemon	Hall	Proctor	White
Cook	Harrison	Robertson	

—26

Nays:

—0

The Bill:

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the keeping cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

was taken up.

Mr. Goodwin moved that further consideration of the Bill, S.B. 4, be postponed until the Eighth Legislative Day.

On motion of Mr. Figures, said motion was laid on the table.

And said Bill, S.B. 4, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 3.

Yeas:

Messrs.:	Denton	Lemaster	Parsons
Bailey	Figures	Little	Proctor
Britnell	Gulledge	Martin	St. John
Callahan	Hall	McDonald	Smith
Clemon	Holmes	Mitchem	Vacca
deGraffenried	Kirkland		

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Nays: Messrs.: Barron, Goodwin, Higginbotham

—3

The Bill:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Goodwin	Martin	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Clemon	Holmes	Parsons	Vacca
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster	Robertson	

—26

Nays:

—0

REGULAR SESSION
6th Day

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The Bill:

S. 74. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Goodwin	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Higginbotham	Mitchem	Taylor
Cook	Holmes	Pearson	Teague
deGraffenried	Kirkland	Proctor	Vacca
Denton	Lemaster	Robertson	White

—23

Nays: —0

Abstaining: Mr. Clemon. —1

BILL RE-REFERRED

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following Bill, S.B. 117, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S.B. 117, re-referred to the Standing Committee on Judiciary.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act 79-113, the report of the Joint Interim Committee to Investigate the Rising Price of Gasoline and other Major Fuels was read and ordered filed with the Secretary.

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 70, on page 12 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 70, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 75. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Barron	Hall	Martin	Smith	
Cook	Higginbotham	McDonald	Taylor	
deGraffenried	Holmes	Mitchem	Teague	
Denton	Kirkland	Proctor	Vacca	
Figures	Lemaster	Robertson	White	
Goodwin				—24

Nays: —0

MOTION TO ADJOURN LOST

At 3:30 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, February 26, 1980, at 2 o'clock P.M., which motion was lost.

Yeas 8; Nays 15.

Yeas:

Messrs.:	Cook	Goodwin	McDonald	
Callahan	Glass	Martin	St. John	
Clemon				—8

Nays:

Messrs.:	Figures	Little	Taylor	
Barron	Gulledge	Parsons	Teague	
deGraffenried	Hall	Robertson	Vacca	
Denton	Holmes	Smith	White	
				—15

BILLS ON THIRD READING RESUMED

The Bill:

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S.B. 116, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 116

A BILL TO BE ENTITLED AN ACT

To amend the Code of Alabama 1975, Section 43-3-1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of secession.

Be It Enacted by the Legislature of Alabama:

Section 1. The Code of Alabama 1975, Section 43-3-1, is hereby amended to read as follows:

"§ 43-3-1.

"The real estate of persons dying intestate, as to such estate descends, subject to the payment of debts, charges against the estate, and the widow's dower, as follows:

"(1) To the children of the intestate, or their descendants, in equal parts.

"(2) If there are no children or their descendants, then to the father and mother, in equal parts.

"(3) If there are no children or their descendants, and if there be but one surviving parent, then one half to such surviving parent, and the other half to the brothers and sisters of the intestate, or their descendants, in equal parts.

"(4) If there are no children or their descendants, no brothers or sisters of their descendants, and if there be but one surviving parent, then the whole to such surviving parent.

"(5) If there are no children or their descendants, and no father or mother, then to the brothers and sisters of the intestate, or their descendants, in equal parts,

"(6) If there are no children or their descendants, no father or mother, and no brothers or sisters or their descendants, then the whole to the husband or wife of the intestate.

"(1) To the surviving husband or wife and the children, or their descendants, in equal parts, the husband or wife taking as if he or she were one of the children;

"(2) If there are no children or their descendants, then to the husband or wife of the intestate;

"(3) If there is no surviving husband or wife, then to the children or their descendants, in equal parts;

"(4) If there is no surviving husband or wife, no children or their descendants, then to the father and mother, in equal parts, and if there be but one surviving parent, then the whole to such surviving parent;

"(5) If there is no surviving husband or wife, no children or their descendants, no parents, then to the brothers and sisters of the intestate, or their descendants, in equal parts;

"(7) (6) If there are no children or their descendants, no father or mother, no brothers or sisters or their descendants, and no husband or wife, then to the next of kin to the intestate, in equal degree, in equal parts.

"(8) (7) If there are no children or their descendants, no father or mother, no brothers or sisters or their descendants, no husband or wife, and no next of kin to the intestate, then to the next of kin of the intestate's predeceased spouse in the same order of priority as provided for descent to the kin of the intestate.

"(9) (8) If there are no children or their descendants, no father or mother, no brothers or sisters or their descendants, no husband or wife, and no kin capable of inheriting, then it escheats to the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. St. John, unanimous consent was granted to postpone further consideration of the Bill, S.B. 87, and pending substitute, until the Eighth Legislative Day as Unfinished Business.

ADJOURNMENT

At 3:55 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S.B.'s 3, 71, and 116, the Senate adjourned until Tuesday, February 26, 1980, at 2:15 P.M.

SEVENTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 26, 1980

The Senate met pursuant to adjournment, President Pro Tempore, St. John presiding.

PRAYER

The Session was opened with prayer by Monsignor Michael McGuinness, Pastor, St. Bede's Catholic Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Glass	Lemaster		

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JOURNAL

On motion of Mr. McDonald, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. McDonald, leave of absence was granted Messrs. Callahan and Clemon for today.

PRESIDING OFFICER ASSUMES CHAIR

At 2:30 P.M., Lieutenant Governor McMillan resumed his duties as President and Presiding Officer of the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Keener:

S. 343. To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties, and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

Committee on Health and Welfare.

By Messrs. White and Goodwin:

S. 344. To provide that no school employee or school employee organization shall participate in a strike against a public school employer and to provide penalties therefor.

Committee on Education.

By Mr. McDonald:

S. 345. To amend further Section 40-17-31 of the Code of Alabama 1975, as amended, relating to excise taxes on gasoline so as to repeal excise taxes on certain aviation fuels.

Committee on Finance and Taxation.

By Messrs. McDonald and Goodwin:

S. 346. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

Committee on Finance and Taxation.

By Messrs. Callahan, Cook and Parsons:

S. 347. Proposing an amendment to the Constitution of 1901, as amended, providing for the maintenance and support of public schools and repealing Section 256 of the Constitution of 1901, as amended.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Cook, Callahan and Parsons:

S. 348. This Act, "The Basic Skills in Education Improvement Act," declares the intention of the Legislature to permit local boards of education flexibility in designing education programs to meet basic skills needs; changes the method of allocating teacher units; establishes responsibilities of the State Board of Education, the State Superintendent of Education and local boards of education in insuring the improvement of basic skills; and repeals the provisions of Section 16-13-52 Code of Alabama 1975.

Committee on Education.

By Messrs. Cook, Callahan and Parsons:

S. 349. To repeal Act No. 853, S. 316, approved May 4, 1978 (Acts of Alabama 1978, p. 1278) entitled "An Act to require comprehensive health education in the public schools of Alabama."

Committee on Education.

By Messrs. Cook and Parsons:

S. 350. To provide penalties for knowingly falsifying school financial reports or any school attendance reports.

Committee on Education.

By Messrs. Callahan, Cook and Parsons:

S. 351. Relating to all Alabama public school systems; to require that members of county and city boards of education be elected and that all such boards shall appoint the superintendent of education for the county or the city.

Committee on Education.

By Messrs. Callahan and Teague (By Request):

S. 352. To require certain persons to complete an approved driver's education course prior to being granted a driver's license; to provide for certain exceptions; to provide for the administration of this Act; and to repeal Section 16-40-5, Code of Alabama 1975, which provides for compulsory driver's education courses in high school.

Committee on Education.

By Messrs. Goodwin and McDonald:

S. 353. To amend sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975 to be eligible recipients of funds and assistance from the state industrial development authority.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Committee on Finance and Taxation.

By Mr. Teague:

S. 355. To prescribe the minimum pay of career state troopers with fifteen (15) years or more service as a state trooper with the department of public safety to be not less than eighty percent (80%) of the pay of district judges of the State of Alabama.

Committee on Finance and Taxation.

By Messrs. Harrison and Kirkland:

S. 356. To prohibit the possession or carrying of firearms in any building where alcoholic beverages are sold or at any such premises which is licensed for such purposes by any agency of the State of Alabama or by any county, municipality or political subdivision thereof, and to provide a form indictment for same.

Committee on Judiciary.

By Messrs. Mitchem, Lemaster and Cook:

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of owner-occupied, single family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests on such single family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by the Authority, loans made to mortgage lenders and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt

the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; and to provide for the disposition of the earnings, if any, of the Authority.

Committee on Finance and Taxation.

By Messrs. Goodwin, Denton, Britnell, Higginbotham, Robertson, deGraffenried, Barron, McDonald, Harrison, Lemaster, Cook, Mitchem, Gulledge, Kirkland, Bailey, Little, Glass, Keener, Miller, Taylor, Vacca, Weeks, White, Teague, Proctor, Parsons, St. John and Holmes:

S. 358. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

Committee on Judiciary.

By Messrs. Kirkland and Bailey:

S. 359. To prescribe the authority and powers of Attorney General's Investigators.

Committee on Judiciary.

By Messrs. Bailey, Gulledge, Taylor, Lemaster, Harrison, Britnell, Denton, Robertson, Keener, Proctor, Higginbotham, deGraffenried, Parsons, Little, Hall, Holmes, Kirkland, St. John, White, Cook, Vacca, McDonald, Figures and Goodwin:

S. 360. To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 361. To provide higher morale, better understanding, and greater productivity, it shall be the policy of the state of Alabama to provide public employees with open lines of communication with their employer(s) and to allow employees to know what the employer expects of them by having such reduced to writing. Employees in the state of Alabama and its political subdivisions shall be entitled to elect representatives of their choosing for the purpose of discussing salary, benefits, and working conditions with the employer and, upon mutual agreement between the parties, reduce to writing a document which sets forth any understandings reached between employees and employer.

Committee on Governmental Affairs.

By Messrs. Parsons and Kirkland:

S. 362. To remove raccoons and foxes from the category of fur-bearing animals.

Committee on Agriculture, Conservation
and Forestry.

RESOLUTIONS

Messrs. Little, Mitchem, Higginbotham, Holmes, Smith, McDonald, Harrison, Denton, St. John, Goodwin, Miller, Kirkland, Proctor, and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. HONORING J. MICHAEL SPROTT, 1979 MAN OF THE YEAR IN SERVICE TO ALABAMA AGRICULTURE.

WHEREAS, in pleased concurrence, the Legislature of Alabama has noted the selection of J. Michael Sprott, director of the Cooperative Extension Service, as 1979 Man of the Year in Service to Alabama Agriculture, an honor bestowed by the prestigious Progressive Farmer Magazine; and

WHEREAS, Mr. Sprott came to Alabama, and to his Auburn post, in 1975 from Texas A & M University; he is a graduate of the University of Arkansas with B.S and M.S. degrees in Agricultural Economics and also holds a Ph.D in the same field from Texas A & M; and

WHEREAS, during his past five years as the director of the Extension Service, Michael Sprott has effectuated numerous changes of enormous benefit to the Extension's educational delivery system with a resultant increase in service to farmers and other Extension clientele; and

WHEREAS, with assignment of specialists to area offices and the implementation of extensive training programs for staff members, users of the Service now have quick access to assistance in highly technical areas; also a noticeable increase in efficiency and effectiveness of the entire program has proven to be highly beneficial and profitable to all Alabama; and

WHEREAS, further emphasis has been placed on planning and setting goals, based on need, with a result, among others, of having reached a \$2 billion Alabama farm income goal; educational goals such as the HAMM and STOCKER 700 programs have been developed and carried out, and outstanding accomplishments have been made in soil testing, pest management, irrigation, mechanization, marketing and the Extension's vital 4-H program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mr. J. Michael Sprott upon his recent recognition by the Progressive Farmer Magazine and voice our deep appreciation for his many outstanding contributions to Alabama agriculture.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sprott that he may know of our sincere congratulations and warm praise.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little and McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 47. COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

WHEREAS, Dr. Ben T. Lanham has recently retired as administrative vice president of Auburn University, a position he had held since 1972, following various other administrative offices during 40 years of service to the University; and

WHEREAS, Dr. Lanham, a Clemson University graduate with advanced degrees from both the University of Tennessee and Michigan State University, first became associated with Auburn University in 1939 in a joint teaching and research appointment to the School of Agriculture and the Agricultural Experiment Station; he then progressed to department head and later to associate director and assistant dean of the two departments; and

WHEREAS, some fourteen years ago he was tapped by Dr. Harry Philpott as the University's first vice president for research under the president's re-organization plan to expand to three vice presidents, one each for research, extension and for administrative and academic affairs, the latter position later divided with Dr. Lanham, at retirement, holding the administrative position; and

WHEREAS, as the University's first appointed vice president for research, Dr. Lanham developed the program which now, basically, serves as the pattern for the program in use today; in his last capacity, he temporarily assumed the duties of Dr. Philpott when called upon and, at one time, served as acting president for four months while Dr. Philpott was on study leave to the Orient; and

WHEREAS, possessing such admirable attributes as dedication, loyalty and integrity, Dr. Lanham's 40 years of service to Auburn truly reflect these qualities and both the University and the State of Alabama will long benefit from his professional productivity and achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Ben T. Lanham for his outstanding services to Auburn University and wish him every continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Dr. Lanham receive a copy of this resolution in token of our appreciation and in support of this body's high regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson, St. John, and Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. MOURNING THE DEATH OF FRANKLIN CORBIN EVANS, PROMINENT CHOCTAW COUNTY JURIST.

WHEREAS, the Alabama Legislature has been grievously saddened by the death of Franklin Corbin Evans of Butler, Alabama, on February 12, 1980, at the early age of 61 years; and

WHEREAS, our former colleague in the Alabama House of Representatives, from 1947 to 1951, the Honorable Franklin C. Evans was a graduate of Centenary College in Shreveport and of the University of Alabama School of Law in 1941; he was practicing attorney in Butler who was later to serve for 18 years as Judge of the Inferior Court of Choctaw County; and

WHEREAS, he was a veteran of the United States Army Air Force Signal Corps, serving from 1941 until 1945 and in both major theatres of World War II; and

WHEREAS, Judge Evans, who had been an outstanding high school athlete, lettering in all three major sports at Choctaw County High, retained a lifetime interest in athletics and was a former member of both the Butler Quarterback and Sports Boosters Clubs; he also was a member of the Butler Lions Club and a longtime member of the First United Methodist Church of Butler; and

WHEREAS, professionally, he was a member of the Alabama State Bar and the Choctaw County Bar Association of which he had been named President Emeritus; he had further served on the Board of Directors of the Choctaw Bank of Butler and as Secretary since 1965, was a member of and attorney for the Choctaw County Hospital Board, a former City Attorney for Butler and a public servant of other municipalities of the county as well; and

WHEREAS, as a prominent citizen who was deeply involved in all areas of community affairs, Judge Evans is sorely missed not only by his beloved family, but by his many friends, colleagues and fellow citizens; his death has indeed left a deep void that will long be felt in Butler, all of Choctaw County and the entire state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge Franklin Corbin Evans and extend our most heartfelt sympathy to his wife, Mrs. Marie Allen Evans, and to their children and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. HONORING THE REVEREND DAVID CHESTER MASON, SENIOR, OF CHOCTAW COUNTY, ALABAMA.

WHEREAS, in its desire to recognize those Alabamians who have significantly and providentially served their fellowman, the Legislature of Alabama stands in tribute to the Reverend David Chester Mason, Sr.; affectionately known as "Brother Mason" or "Mr. Chester," he also has been called "The Abraham of Choctaw County"; and

WHEREAS, a native and lifelong resident of Isney in Choctaw County, Brother Mason was called to the ministry and began preaching at the early age of just 14 years; ordained at age twenty-five, he has served eighteen pastorates in six associations in two states, and for most of that time has pastored five churches simultaneously and, today, at age 90, is in his 65th year of one pastorate and the 60th year of another; and

WHEREAS, from the smallest even to the largest congregation in his associations, Mr. Chester has ministered to the needs of his people; the religious leadership and spiritual guidance he has provided his congregations evidence his devotion to and love for his Lord, and are his obedient response to God's commandment; and

WHEREAS, as one who has been honored by the Choctaw Baptist Association as an outstanding leader in his Church, the Reverend Mason has been a pathfinder in other areas as well, most particularly in the political and economic affairs of his county; he also was recognized following World War I by the President of the United States for speeches he made, throughout two counties, on the progress of the War; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Reverend David Chester Mason, Sr., for his lifetime of labor as a devoted servant of God; we further voice our deep appreciation for his ministry and direct that he receive a copy of this resolution in praise of his service to mankind.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 12. DESIGNATING THE PARAMOUNT THEATRE IN MONTGOMERY, ALABAMA, AS OUR STATE'S OFFICIAL THEATRE FOR THE PERFORMING ARTS.

Also:

S. J. R. 33. MOURNING THE DEATH OF MR. E. FRANK SANDERS, PROMINENT SOUTH BALDWIN COUNTY BANKER AND CIVIC LEADER.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Air Pollution Control Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. C. Paul Graham, Birmingham, Alabama (replacing Mr. Branscomb);
Term expiring October 1, 1983.

Mr. Roy S. Stevens, Florence, Alabama (replacing Mr. Dampier); Term
expiring October 1, 1982.

Mr. J. Ernest Farnell, Mobile Alabama (replacing Mr. Wingard); Term expiring October 1, 1982.

as members of the Air Pollution Control Commission.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Air Pollution Control Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel Robert Lee Lott, III to the rank of Brigadier General in the Alabama Air National Guard.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

Colonel Robert Lee Lott, III has been promoted to the rank of Brigadier General.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the promotion to the rank of Brigadier General in the Alabama Air National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Agriculture and Industries Board.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following individuals to serve concurrently with my term as Governor:

Mr. Morgan Edwards, Cullman, Alabama.

Mr. Fred Bennett, Greenville, Alabama.

Dr. John Lester, Enterprise, Alabama.

Mr. Ray Vandiver, Huntsville, Alabama.

Mr. Robert J. Williams, Mobile, Alabama.

Mr. Milton Wendland, Autaugaville, Alabama.

Mrs. Durell Smelser, Tuscaloosa, Alabama.

as members of the Agriculture and Industries Board.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the State Docks Advisory Committee.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. William Martin, III, Sheffield, Alabama (replacing Mr. Sims); Term expiring September 28, 1983.

Mr. William Collins, Mobile, Alabama (replacing Mr. Williams); Term expiring September 28, 1983.

Mr. Ray Marsh, Trafford, Alabama (replacing Mr. Wilson); Term expiring September 28, 1983.

Mr. Richard Arrington, Montgomery, Alabama (replacing Mr. Bowman); Term expiring September 28, 1983.

Mr. Ben Bowden, Eufaula, Alabama (replacing Mr. Adams); Term expiring September 28, 1983.

Mrs. Judith Veal, Birmingham, Alabama (replacing Mr. McCollough); Term expiring September 28, 1983.

Honorable Earl Goodwin, Selma, Alabama (reappointment); Term expiring September 28, 1983.

Mr. Jimmy Bledsole, Mobile, Alabama (reappointment); Term expiring September 28, 1983.

as members of the State Docks Advisory Committee.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Forestry Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

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To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Grover Gibbs, Troy, Alabama (reappointment); Term expiring November 5, 1983.

Mr. Allen Layson, Reform, Alabama (replacing Mr. Hornsby); Term expiring November 5, 1983.

Mr. James Neighbors, Autaugaville, Alabama (replacing Mr. Daniels); Term expiring November 5, 1984.

as members of the Forestry Commission.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Forestry Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Water Improvement Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed subject to your confirmation, the following:

Mr. Frank E. Lindstrom, Birmingham, Alabama (replacing Mr. Grabensteder); Term expiring December 1, 1982.

Dr. John H. Winston, Jr., Montgomery, Alabama (replacing Dr. Bucher);
Term expiring December 1, 1982.

as members of the Water Improvement Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Water Improvement Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Trustees—University of North Alabama.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Gene Sanderson, Hamilton, Alabama (replacing Mr. Larkins); Term expiring September 9, 1991.

Mr. Alex Nelson, Jr., Florence, Alabama (replacing Mr. Young); Term expiring September 9, 1991.

Mr. John T. Bulls, Jr., Florence, Alabama (reappointment).

as members of the Board of Trustees—University of North Alabama.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees—University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Institute for the Deaf & Blind.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Ms. Odessa Woolfolk, Birmingham, Alabama, for the term beginning November 8, 1979 and ending November 28, 1984, to the Alabama Institute for the Deaf & Blind Board.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment to the Alabama Institute for the Deaf and Blind Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Commission on Higher Education.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mrs. Michael Callahan, Birmingham, Alabama (appointed by Lt. Governor); Term expiring August 31, 1985

Mr. Ken L. Lott, Mobile, Alabama (appointed by Speaker of the House); Term expiring August 31, 1988.

Mr. Clyde Foster, Madison, Alabama (appointed by Governor), 5th district; Term expiring August 31, 1988.

Mr. Bob Word, Scottsboro, Alabama (appointed by Governor), 5th district; Term expiring August 31, 1982.

as members of the Commission on Higher Education.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Commission on Higher Education, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees—University of South Alabama.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Arthur Tonsmeire, Theodore, Alabama, for the term beginning July 27, 1979 and ending September 30, 1989, to the Board of Trustees—University of South Alabama.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees—University of South Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Securities Commission.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I have reappointed, subject to your confirmation, Mr. Sam I. Diamond, Jr., Montgomery, Alabama, as a member of the Securities Commission for the term expiring October 31, 1983.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Securities Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Surface Mining Reclamation Commission.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Thomas A. Simpson, University, Alabama (replacing Mr. Cox);
Term expiring December 30, 1983.

Dr. Wilbur B. DeVall, Auburn, Alabama (replacing Mr. Lyle); Term expiring December 30, 1980.

as members of the Surface Mining Reclamation Commission.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Surface Mining Reclamation Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Appeals—Industrial Relations.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Frank Parker, Birmingham, Alabama, as a member of the Board of Appeals—Industrial Relations for the term expiring March 28, 1985.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Appeals—Industrial Relations, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Educational Television Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Jacob Walker, Jr., Opelika, Alabama, as a member of the Alabama Educational Television Commission for the term expiring June 25, 1989.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Banking Board.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Whit Armstrong, Enterprise, Alabama (replacing Mr. Strother);
Term expiring February 1, 1985.

Mrs. Mary George Waite, Centre, Alabama (replacing Mr. Watson);
Term expiring February 1, 1985.

Mr. H. W. Broom, Hartselle, Alabama (replacing Mr. Harris); Term
expiring February 1, 1981.

as members of the Banking Board.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Banking Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Personnel Board.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dr. Velma L. Blackwell, Tuskegee, Alabama, for the term beginning January 1, 1980 and ending March 2, 1981, to the State Personnel Board.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Personnel Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Examiners of Landscape Architects.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Edward L. Pryce, Tuskegee Institute, Alabama, as a member of the Alabama Board of Examiners of Landscape Architects for the term expiring January 3, 1983.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Polygraph Examiners Board.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Cecil L. Johnston, Montgomery, Alabama, as a member of the Polygraph Examiners Board for the term expiring January 14, 1984.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Real Estate Commission.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Mary Manderson, Selma, Alabama, replacing Mr. Paul Corwin, for the term expiring September 30, 1984, to the Real Estate Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Real Estate Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama Commission on Higher Education.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mrs. Annie Laura Parker, Ozark, Alabama (replacing Mr. Lowe); Term expiring August 31, 1981

Mr. J. Pelham Ferrell, Phenix City, Alabama (replacing Judge Coley); Term expiring August 31, 1980

Mr. Clyde Foster, Madison, Alabama (replacing Mr. Parker); Term expiring August 31, 1988.

Mr. Steve Means, Gadsden, Alabama (replacing Mr. McDonald); Term expiring August 31, 1981.

Mr. Jack F. Rainer, Montgomery, Alabama (replacing Mr. Albritton); Term expiring August 31, 1983.

Mr. Jim Oakley, Jr., Centreville, Alabama (replacing Dr. L. Manley); Term expiring August 31, 1983.

Mr. John M. Harbert, III, Birmingham, Alabama (replacing Mr. Baker); Term expiring August 31, 1985.

Mr. Jimmy Faulkner, Sr., Bay Minnette, Alabama (replacing Mr. Lyons); Term expiring August 31, 1986.

Mrs. Claude Burke, Arab, Alabama (replacing Mr. Brazeal); Term expiring August 31, 1987.

Mrs. Michael Callahan, Birmingham (Appt. by Lt. Gov.—Act No. 461-1979); Term expiring August 31, 1985.

Mr. Ken L. Lott, Mobile (Appt. by Speaker—Act No. 461-1979); Term expiring August 31, 1988.

Mr. Bob Word, Scottsboro, Alabama (replacing Mr. Parker); Term expiring August 31, 1982.

Respectfully,

FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. James W. Johnston, Jr., Mobile, Alabama (reappointment); Term expiring February 1, 1986.

Mr. Robert H. McSwain, Montgomery, Alabama; Term expiring February 1, 1984.

Mr. J. E. Barnard, Ft. McClellan, Alabama; Term expiring February 1, 1982.

Mr. Rex Pinkard, Russellville, Alabama (reappointment); Term expiring February 1, 1986.

Mr. Albert Williams, Sheffield, Alabama; Term expiring February 1, 1982.

Mr. John R. Stephenson, Birmingham, Alabama; Term expiring February 1, 1984.

Mr. James E. Lankford, University, Alabama; Term expiring February 1, 1984.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Credit Union Board of Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel James D. Shepherd to the rank of Brigadier General in the Alabama Air National Guard.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 26th day of February, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

Colonel James D. Shepherd has been promoted to the rank of Brigadier General.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,
FOB JAMES,
Governor.

Done this 26th day of February, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the Rank of Brigadier General in the Alabama Air National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Clark, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 62. EXPRESSING INORDINATE PRIDE IN THE UNITED STATES HOCKEY TEAM, OLYMPIC GOLD MEDALISTS, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 62, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Turnham and Laird:

H. J. R. 66. REQUESTING THE BOARDS OF EDUCATION AND ALL HIGH SCHOOLS IN ALABAMA TO COOPERATE WITH THE ALABAMA NATIONAL GUARD AND THE U. S. ARMED FORCES IN THEIR EFFORTS TO STRENGTHEN OUR MILITARY FORCES.

WHEREAS, it is the consensus of the Alabama Legislature that a nation prepared is a nation strong; and

WHEREAS, the freedom we treasure today in these United States was secured by our forefathers who fought and died that there might be liberty for all and for all time; and

WHEREAS, if we are to remain a free nation it is vital that our armed forces be strengthened to such a degree that we may at all times be prepared to defend the freedom that is our legacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of the national defense of the United States of America and in furtherance of the best interest of the citizens of the State of Alabama, we hereby request that the Boards of Education, and the high schools in particular, of this great state cooperate and assist to the fullest possible extent with the Alabama National Guard and the various branches of the United States Armed Forces, including its reserve components, in making efforts to strengthen our military forces and, at the same time, provide the youth of Alabama with the opportunity of acquiring the education, training, skills and vocations available to military personnel.

BE IT FURTHER RESOLVED, That in furtherance of these objectives, that the Boards of Education and the high schools of this state shall:

1. Allow recruiter personnel to test those students who so desire to be tested and provide data back to the students and counselors so that wiser vocational choices may be made;

2. Provide recruiter personnel with lists of recent graduates and senior students so they may be located and made aware of opportunities in the military services; and

3. Provide time for interviews and conferences for those students who desire further information from recruiting personnel, so that individual counseling is possible and indepth views of available opportunities with the Department of Defense of our great nation are known.

RESOLVED FURTHER, That copies of this resolution be sent to all Boards of Education in Alabama with sufficient copies also provided said boards for distribution to all Alabama high schools.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 66, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Cosby:

H. J. R. 64. URGING THE UNITED STATES CONGRESS TO RE-
VISE TAX LAWS SO AS TO RELIEVE CITIZENS OF THE OVERBURDEN
OF "TAXFLATION."

WHEREAS, the federal government continues to spend more of the taxpayers' money than is received; and

WHEREAS, the citizens of the United States are facing an economic recession because of the actions of the United States Congress; and

WHEREAS, the citizens of the United States are willing to be free and independent of government programs, especially those which benefit the minority of United States citizens at the expense of the majority; and

WHEREAS, millions of American families are being pushed into higher tax brackets by pay raises which do not keep up with the cost of living; and

WHEREAS, the above process is called "taxflation" and taxflation hits all income levels and provides the United States Treasury with more than \$1 billion in new revenues for each percentage point of inflation; and

WHEREAS, this process of taxflation is a windfall profit to the United States Treasury which causes the government to spend more money while at the same time penalizing people for hard work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call on the Congress of the United States to immediately rectify this most unfair situation and thereby relieve the citizenry of the overburden of taxflation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama Congressional Delegation in Washington, D. C., with a copy also provided for each member of said Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 64, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 61. REQUESTING THE SECRETARY OF STATE TO STOP INTERFERING WITH THE CONDUCT OF PARTY PRIMARY ELECTIONS IN THIS STATE.

WHEREAS, the conduct of party primary elections in this state are governed first by the laws of this state and second by rules and decisions of the political parties affected; and

WHEREAS, it is neither the function of the office of the secretary of state to pass laws or to interfere with the rights and privileges of the political parties of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the secretary of state is hereby respectfully requested and instructed to tend to the affairs of his office and leave the conduct of party primary elections to be conducted under the laws of this state and the rules of the political parties affected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 61, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 10. To amend section 12-15-10 of the Code of Alabama 1975 relating to court costs, attorney fees and expenses for maintenance and care of children, so as to require the state to pay attorney fees in cases involving indigent juveniles.

By Mr. Keener:

S. 29. To ratify and confirm private sales of a ward's property under certain conditions and subject to review by the courts of this State; to provide for the procedures and review of future private sales of property of a ward.

By Mr. Vacca:

S. 83. To require that children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Substitute) (With Amendment):

S. 148. To prohibit pyramid sales transactions and to specify penalties for violations thereof.

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Parsons, Hall and Little:

S. 214. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (With Amendment):

S. 66. To amend Section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to radiation, asbestos, or a chemical substance shall first be deemed to accrue, and to provide retroactive effect.

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 110. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge (With Amendments):

S. 43. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge (With Substitute):

S. 166. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 138. To establish standards for the collection, use and disclosure of information gathered by insurers in connection with insurance transactions; to provide for a balance between the need for information by those insurers conducting the business of insurance and the public's need for fairness in insurance information practices; to provide means whereby insured natural persons may ascertain what information has been or is being collected about them in connection with insurance transactions; to provide all insureds with access to all such information collected about them for the purpose of verifying or correcting inaccuracies in such information; to limit the disclosure of information collected in connection with insurance transactions; to enable insurance applicants to obtain the reasons for any adverse underwriting decision by an insurer; to provide for enforcement of the Act by the Department of Insurance; to provide for judicial review of Orders of the Commissioner issued pursuant to the Act; to provide for Cease and Desist Orders to enforce the Act; to provide penalties for violations of the Act; and to provide an effective date of June 1, 1981.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Amendment):

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Blake (with notice and proof):

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

By Rep. Blake (with notice and proof):

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Blake (with notice and proof):

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

By Rep. Campbell:

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

By Rep. Campbell (with notice and proof):

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

By Rep. Campbell (with notice and proof):

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

By Rep. Campbell (with notice and proof):

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

By Rep. Campbell (with notice and proof):

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

By Reps. Cates and Wyatt (with notice and proof):

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

By Rep. Blake (with notice and proof):

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

LOCAL BILLS ON THIRD READING

The Bill:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John
Bailey	Goodwin	Miller	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Little		

—25

Nays:

—0

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 119, on page 21 of the Seventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 119, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 50. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedent over all other matters upon reaching bills on third reading for the seventh legislative day and for each day thereafter upon reaching bills on third reading until disposed of:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 220	31	Corporations, alter tax rate C/A
S. B. 221	30	Income tax, fed. & state, repealer C/A

Which was adopted.

UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

The question was on the Keener substitute, as amended, which said substitute is set out in the Journal of the Senate for the Fourth Legislative Day.

On motion of Mr. Keener, further consideration of the Bill, S. B. 3, and pending substitute, as amended, was postponed temporarily as Unfinished Business.

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

The question was on the deGraffenried substitute, which said substitute is set out in the Journal of the Senate for the Sixth Legislative Day.

On motion of Mr. deGraffenried, unanimous consent was granted to postpone further consideration of the Bill, S. B. 71, and pending substitute, until the next Legislative Day as Unfinished Business.

SPECIAL ORDER
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 220. To propose a constitutional amendment amending further Amendment No. 212, Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 220, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 220

A BILL
TO BE ENTITLED
AN ACT

To propose a constitutional amendment to the Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate and provide for the distribution of any additional revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Amendment No. 212, Constitution of Alabama of 1901, is hereby proposed:

PROPOSED AMENDMENT
STATE TAX ON NET INCOME OF CORPORATIONS.

The legislature shall have power to levy and provide for the collection of taxes for state purposes on net income of corporations, from whatever source derived, for the calendar year 1980, or for any fiscal year beginning in the calendar year 1980, and each year thereafter, at a rate not exceeding eight percent. However, all federal income taxes paid or accrued within the taxable year by corporations shall always be deductible in computing net income taxable under the income tax laws of this state, provided that in the case of foreign corporations the amount of federal income tax deductible shall be in proportion to income derived from sources within Alabama, to be determined in accordance with such laws as the legislature may enact. The net proceeds of the additional tax authorized to be levied by this amendment shall be placed in the state treasury to the credit of the state general fund.

Section 2. ELECTION ORDERED: DATE OF ELECTION. An election upon the proposed amendment is ordered to be held on the date of the next general or special election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and Section 285 of the Constitution of Alabama 1901, as amended, and Title 17, Chapter 17, Code of Alabama 1975.

Section 3. NOTICE OF ELECTION. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 220, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 220

Amend Senate Bill 220 as substituted on page 1, line 32, by striking out the word "eight" after the word exceeding and inserting in lieu thereof the word "seven".

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 16. COMMENDING MR. PRENTISS BAUGHMAN OF BALDWIN COUNTY, ALABAMA, FOR OUTSTANDING PERFORMANCE OF DUTY.

Also:

S. J. R. 17. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO BALDWIN COUNTY COMMISSIONER JAMES J. BOYINGTON.

Also:

S. J. R. 19. REQUESTING THE UNITED STATES CONGRESS AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO ALTER REGULATIONS GOVERNING ADMINISTRATION OF MEDICAID PROGRAM.

Also:

S. J. R. 21. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

Also:

S. J. R. 22. CONGRATULATING THE 1979 STATE 4A FOOTBALL CHAMPIONS, THE WILDCATS OF ENTERPRISE HIGH SCHOOL.

Also:

S. J. R. 23. PRAISING THE ENTERPRISE HIGH SCHOOL WILDCAT MARCHING BAND, RECENTLY DESIGNATED AS ONE OF THE "TOP TEN BANDS IN THE UNITED STATES."

Also:

S. J. R. 24. RECOMMENDING THAT ALL SCHOOL SYSTEMS ALLOW OFFICIAL REPRESENTATION OF MILITARY FORCES REASONABLE ACCESS TO CERTAIN SCHOOL FACILITIES FOR RECRUITING PURPOSES.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 51. Granting the Joint Interim Committee To Study Salaries and Related Matters an extension of time to make their final report to both houses of the Legislature.

Also:

H. J. R. 52. MOURNING THE DEATH OF FORMER REPRESENTATIVE H. H. O'DANIEL.

Also:

H. J. R. 53. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

Also:

H. J. R. 54. COMMENDING A & M UNIVERSITY QUARTERBACK CLEVELAND AUSTIN FOR OUTSTANDING PERFORMANCE.

Also:

H. J. R. 59. COMMENDING MRS. MADELINE McDANIEL KENNEDY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 79. To amend Section 26-13-1, Code of Alabama 1975, regarding authorizing the relief of minor children from disabilities of nonage, so as to reduce the age of relief.

Also:

By Reps. Johnson (Roy) and Holley:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

Also:

By Rep. Mitchell:

H. 45. To provide for the repurchase of certain inventories from retailers upon the termination of contracts; to provide definitions; to specify repurchase price and costs of handling; to provide for the transfer of title and right of possession pursuant to such repurchases; to provide civil liability for failure or refusal to repurchase; to provide for rights of heirs of retailers; to provide security interests in certain unaffected inventories and for repurchases not subject to bulk sales law and inspection of parts packed for shipping; and to provide that the provisions hereof shall not be waived.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B's 79, 273, and 45. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grouby and Edwards (with notice and proof):

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 447, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon

private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 465, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mitchell (with notice and proof):

H. 74. Relating to Tuscaloosa County; to provide further for the salaries of the coroner and deputy coroner; and to provide for an expense allowance for the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 74, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Crow (with notice and proof):

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 512, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Crow (with notice and proof):

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 513, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Crow (with notice and proof):

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 514, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 447, 465, 74, 512, 513, and 514. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ward, Laird and Turnham:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Also:

By Rep. Manley:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 145. To the Committee on Finance and Taxation.

H. B. 77. To the Committee on Governmental Affairs.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220. The question was on the Committee substitute and amendment.

On motion of Mr. St. John, said Committee amendment to the Committee substitute was laid on the table.

Yeas 19; Nays 14.

Yeas:

Messrs.:	Glass	McDonald	St. John
Britnell	Hall	Miller	Smith
Cook	Keener	Parsons	Taylor
Denton	Kirkland	Pearson	Teague
Figures	Little	Proctor	Weeks

Nays:

Messrs.:	Goodwin	Holmes	Robertson
Bailey	Gulledge	Lemaster	Vacca
Barron	Harrison	Martin	White
deGraffenried	Higginbotham	Mitchem	

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 80. To amend sections 12-12-30 and 12-12-31, Code of Alabama 1975, relating to the jurisdiction of the district courts, so as to define further the jurisdictional amount of the district courts as not exceeding \$5,000.00, exclusive of attorneys' fees, interest and costs and the jurisdictional amount of the small claims docket of the district courts as not exceeding \$1,000.00, exclusive of attorneys' fees, interest and costs.

Also:

By Rep. Manley:

H. 81. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B's 80 and 81. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

REGULAR SESSION
7th Day

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By Reps. Clark and Campbell:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

Also:

By Rep. Barton:

H. 109. To amend Section 43-5-23 of the Code of Alabama 1975 relating to the effect of warranty in deed conveying land belonging to a husband so as to give the same rights to the husband.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 244 and 109. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 62. EXPRESSING INORDINATE PRIDE IN THE UNITED STATES HOCKEY TEAM, OLYMPIC GOLD MEDALISTS, 1980.

Also:

H. J. R. 64. URGING THE UNITED STATES CONGRESS TO REVISE TAX LAWS SO AS TO RELIEVE CITIZENS OF THE OVERBURDEN OF "TAXFLATION."

Also:

H. J. R. 66. REQUESTING THE BOARDS OF EDUCATION AND ALL HIGH SCHOOLS IN ALABAMA TO COOPERATE WITH THE ALABAMA NATIONAL GUARD AND THE U. S. ARMED FORCES IN THEIR EFFORTS TO STRENGTHEN OUR MILITARY FORCES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220. The question was on the Committee substitute.

Mr. Holmes offered the following amendment to the substitute for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 220

Amend S. B. 220, as follows:

On page 2, line 9, after the word "fund" strike the period and add:

and shall be designated for the Medical Services Administration for the use of the Medicaid program.

On motion of Mr. St. John, said amendment was laid on the table.

Mr. Holmes then offered the following amendment to the substitute for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 220

Amend S. B. 220, as substituted and amend as follows:

On page 2, line 9, after the word "Fund" strike the period and add:

and shall be designated for use in program approved by the State of Alabama to provide assistance to the poor, elderly, sick, aged, disabled and handicapped people of this State, whether the programs be Medicaid or any other similar programs approved by the Legislature.

Which was adopted.

Yeas 26; Nays 4.

Yeas:

Messrs.:	Glass	Kirkland	Proctor	
Bailey	Goodwin	Lemaster	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	Martin	Taylor	
Cook	Harrison	Miller	Vacca	
deGraffenried	Holmes	Mitchem	White	
Denton	Keener	Parsons		—26

Nays: Messrs.: Higginbotham, McDonald, Smith, Teague. —4

MOTION TO ADJOURN LOST

At 5:50 P.M., Mr. Goodwin moved that the Senate adjourn until Thursday, February 28, 1980, at 12 o'clock Noon, which motion was lost.

Yeas 13; Nays 16.

Yeas:

Messrs.:	Figures	Harrison	Proctor	
Bailey	Glass	Lemaster	Robertson	
Barron	Goodwin	Miller	White	
Denton	Gulledge			—13

Nays:

Messrs.:	Keener	McDonald	St. John
Britnell	Kirkland	Mitchem	Smith
deGraffenried	Little	Parsons	Teague
Higginbotham	Martin	Pearson	Weeks
Holmes			

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Roberts, Carter, Patton and Smith (C):

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

Also:

By Reps. Roberts, Carter, Patton and Smith (C):

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for the fire protection purposes; and to provide penalties for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 115 and 116. To the Committee on Governmental Affairs.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220. The question was on the Committee substitute, as amended.

ADJOURNMENT

At 6 o'clock P.M., on motion of Mr. Denton, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 220, 3, 71, and 116, the Senate adjourned until Thursday, February 28, 1980, at 12:05 P.M.

EIGHTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 28, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Missionary Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Martin, Mitchem, Lemaster, Denton and Bailey:

S. 363. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 364. To amend Sections 8-15-3 and 8-15-8, Code of Alabama 1975, which provide for the issuance of fees and insurance for public warehouses, so as to provide further for said fees and insurance.

Committee on Commerce, Transportation and Utilities.

By Mr. Kirkland:

S. 365. To prohibit a strike or work stoppage by law enforcement officers, who have been certified by the Peace Officers and Training Commission of the State of Alabama, as a Peace Officer, and to provide for mediation in order to settle disputes between regularly employed, full time, law enforcement officers and the governmental agency employing them. Specifically authorizing negotiations between law enforcement officers and the governmental agency employing them, and requiring compliance with the agreements and findings of the mediators.

Committee on Governmental Affairs.

By Messrs. Kirkland and Little:

S. 366. To amend Sections 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide further for such refund.

Committee on Finance and Taxation.

By Messrs. Kirkland, Miller, Goodwin, Keener, Britnell, Denton, Robertson, Proctor, Teague, St. John, Cook, Holmes, Bailey, Taylor, Parsons and Little:

S. 367. To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

Committee on Judiciary.

By Mr. Miller:

S. 368. To amend Section 33-5-17, Code of Alabama 1975, regarding classification of vessels and registration fees, so as to increase registration fees.

Committee on Agriculture, Conservation and Forestry.

By Mr. Figures:

S. 369. To provide for exemption of certain school days missed due to natural disasters.

Committee on Education.

By Messrs. Smith, McDonald, Harrison, Martin and Lemaster:

S. 370. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize solar energy.

Committee on Finance and Taxation.

By Messrs. Smith, McDonald, Harrison, Lemaster and Martin:

S. 371. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 372. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

Committee on Finance and Taxation.

By Messrs. Gulledge and Smith:

S. 373. To create a Department of Environmental Services to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings. To create the Division of Surface Mining Control and Reclamation within the Department of Environmental Services to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the

State eligible for federal funding to develop and implement programs to achieve these purposes. To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry onto abandoned mine lands; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act. To repeal all laws or parts of laws which conflict with this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Cook:

S. 374. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

Committee on Banking and Insurance.

By Mr. Cook:

S. 375. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

Committee on Banking and Insurance.

By Mr. Cook:

S. 376. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

Committee on Banking and Insurance.

By Mr. Parsons:

S. 377. Relating to controlled substances; prohibiting certain transactions in objects intended primarily for use with narcotic drugs and marijuana; providing under what circumstances objects may be deemed to be intended primarily for such use and prescribing penalty for violation.

Committee on Judiciary.

By Mr. Kirkland:

S. 378. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, state technical college or university, who is the child or spouse who has not remarried, of a state law enforcement officer killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the State General Fund.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 379. To provide that, beginning October 1, 1980, the state shall begin a phased assumption of the financial responsibility for all county paid supplements for all district attorneys and assistant district attorneys and their secretaries and other employees.

Committee on Finance and Taxation.

By Messrs. Kirkland and Callahan:

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

Committee on Judiciary.

By Messrs. Kirkland, deGraffenried and Proctor:

S. 381. To amend Section 12-16-63, Code of Alabama 1975, relating to excusing prospective jurors, so as to provide that certain medical statements shall constitute a valid excuse without the person appearing before the court.

Committee on Judiciary.

By Mr. Callahan:

S. 382. To amend Section 18-1-17 of the Code of Alabama 1975 relating to assessment of damages and compensation in certain eminent domain proceedings so as to prescribe procedure for assessing damages and awarding compensation on properties that have been damaged by certain natural disasters.

Committee on Judiciary.

By Messrs. Higginbotham, Gullede, Vacca, Keener, Proctor, White, Martin, Taylor, Parsons, Clemon, Teague, Cook, Figures, Pearson, Weeks, Bailey, Glass and Kirkland:

S. 383. To permit the possession of certain quantities of state untaxed alcoholic beverages purchased on federal military installations by eligible active duty, reserve, and retired military members and their dependents for private use; to prohibit the keeping, storing or possession of such alcoholic beverages in the passenger area of any vehicle, or in the view of any passenger; to make it unlawful to sell or offer for sale such state untaxed alcoholic beverages to anyone not authorized to purchase such beverages himself or to possess in excess of the quantity permitted; and to make the violation of such restrictions on sale and possession of excess quantities a misdemeanor and to set the penalties therefor.

Committee on Judiciary.

By Mr. Kirkland:

S. 384. To provide for the registration of all perpetual care cemeteries; to define terms; to name and designate the Alabama State Commissioner of Insurance as Commissioner under this act, and authorize a deputy commissioner, with specifications of their duties; to provide for regulations; to provide for cemetery signs; to provide for mandatory contractual provisions; to require the creation of irrevocable trust funds, with trustees and depositories, and prescribe their functions; to provide for the issuance of licenses, and the revocation, suspension and refusal to renew same, and hearings thereon; to provide for the promulgation of rules and regulations for the operation of perpetual care cemeteries; to provide for reports, inspections and audits in the administration of the provisions of this act; to provide for civil relief and criminal penalties; to repeal conflicting laws.

Committee on Banking and Insurance.

By Mr. McDonald:

S. 385. To amend Sections 11-58-1 and 11-58-2 of the Code of Alabama, 1975, relating to medical clinic boards so as to expand the language setting forth the purpose of the chapter to make it clear that it is intended to promote the public health and welfare, and also to redefine the term "Medical Clinic" to include facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped or mentally ill or retarded, such as retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, whether or not any such facility is required to be approved or licensed by any governmental agency.

Committee on Health and Welfare.

By Messrs. Bailey and Hall:

S. 386. To amend Sections 5-18-17, 5-19-20, 5-19-21, 27-13-2 and 27-13-3 of the Code of Alabama 1975 so as to authorize and require the commissioner of insurance to regulate certain forms of credit insurance.

Committee on Banking and Insurance.

By Mr. McDonald:

S. 387. To provide for certain late payment interest charges on delinquent state and county ad valorem tax payments and to provide for the disposition of such charges.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 388. To amend Sections 27-8-1, 27-8-4, 27-8-5 and 27-8-6, Code of Alabama 1975, which pertain to life and disability insurance representatives, so as to provide for licensing of partnerships and corporations as life and disability insurance agents in Alabama and to establish qualifications and procedures for such licensing.

Committee on Banking and Insurance.

By Mr. McDonald:

S. 389. To amend section 12-16-8 of the Code of Alabama 1975 relating to employees who serve on a jury, so as to provide that no employer may deduct from the employee's salary any amount of fees compensation or expense allowance the employee received while serving on the jury; and to provide a penalty for violation.

Committee on Judiciary.

By Messrs. McDonald and Smith:

S. 390. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 per annum beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of the clerks of the circuit court, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; to provide that this Act shall not diminish any supplemental salary now provided circuit clerks; and to appropriate such funds as may be necessary to pay such increase.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 391. To amend Section 6-5-332, Code of Alabama 1975, which exempts from civil liability certain persons who render emergency care at accidents; and to include persons who provide assistance to police or other agencies in responding to emergencies involving liquefied petroleum gas.

Committee on Judiciary.

By Messrs. Bailey, Keener and Vacca:

S. 392. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 26. COMMENDING DR. AND MRS. SOLON DIXON AND APPROVING THE NAMING OF AUBURN UNIVERSITY'S NEW FORESTRY EDUCATION CENTER IN THEIR HONOR.

Also:

S. J. R. 27. HONORING MRS. CHARLES DIXON AND NAMING THE AUDITORIUM AT THE SOLON DIXON FORESTRY EDUCATION CENTER, THE "CHARLES DIXON AUDITORIUM."

Also:

S. J. R. 30. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF MR. LEO MARTIN, SR., OF NATCHITOCHEs, LOUISIANA.

Also:

S. J. R. 32. HONORING REX McDOWELL, DIRECTOR OF THE LEGISLATIVE FISCAL OFFICE.

Also:

S. J. R. 35. ANNOUNCING THE LEGISLATURE'S SUPPORT FOR CARE OF THE INDIGENT ELDERLY AND DISABLED.

Also:

S. J. R. 37. EXPRESSING THE LEGISLATURE'S APPRECIATION TO TVA OFFICIALS AND PLEDGING ITS FULL SUPPORT OF THE AUTHORITY'S PROPOSED "MURPHY HILL SITE" IN MARSHALL COUNTY, ALABAMA.

Also:

S. J. R. 38. NOTING THE OCCASION OF ROTARY INTERNATIONAL'S 75TH ANNIVERSARY.

Also:

S. J. R. 39. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

Also:

S. J. R. 42. COMMENDING THE ALABAMA A & M SOCCER TEAM, 1979 NATIONAL CHAMPIONS.

Also:

S. J. R. 43. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA'S BASKETBALL TEAM, AND COACH CLIFF ELLIS, FOR WINNING THE SUN BELT CONFERENCE CHAMPIONSHIP FOR THE SECOND YEAR IN A ROW.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Letson (with notice and proof):

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 560, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 561, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ray (with notice and proof):

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 567, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Zoghby and Sandusky:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 560, 561, and 567. To the Committee on Local Legislation No. 1.

H. B. 235. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Britnell:

H. J. R. 65. WHEREAS Dean Fain A. Guthrie has made outstanding and unique contributions as the administrative leader of the professional education programs at The University of Alabama in Birmingham's School of Education from its creation, through its formative years, and into its maturation as a major influence among the institutions of higher education in the State of Alabama; and

WHEREAS Dean Guthrie has nurtured the development of collaborative, mutually supportive relationships and functional interaction with professional colleagues in public schools of the Greater Birmingham area as well as other areas in Alabama and has served as an effective spokesman for teacher education throughout the local and statewide communities; and

WHEREAS Dean Guthrie served on numerous State Department of Education committees during periods of time in which critical decisions were made to redefine, redirect, and strengthen statewide teacher education programs and certification of teachers; and

WHEREAS Dean Guthrie has provided leadership in the State while serving as President of the Alabama Association of Colleges for Teacher Education and as a member of the Association's Executive Committee and as a member of statewide groups such as the committee to establish certification requirements for Alabama school counselors, the Steering Committee for Statewide Evaluation of Teacher Education Programs, and the committee to recommend licensure procedures for psychologists in Alabama; and

WHEREAS Dean Guthrie has facilitated development of strong bonds of communication and interest among the institutions of higher education, the State Department of Education and public school systems of Alabama; and

WHEREAS Dr. Guthrie is relinquishing the role of Dean of the School of Education to serve as Professor of Human Services Education at The University of Alabama in Birmingham: Therefore, be it

RESOLVED, That the Legislature of Alabama, both houses thereof concurring, hereby expresses to Dr. Fain A. Guthrie its deep appreciation and gratitude for his leadership and unselfish devotion to The University of Alabama in Birmingham and its School of Education and to public education in the State of Alabama, and herewith extends to him its best wishes for continuing success as Professor of Human Services Education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Guthrie in grateful acknowledgment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 65, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 51. MOURNING THE DEATH OF ROBERT D. BURGESS,
PROMINENT COVINGTON COUNTY BUSINESS AND CIVIC LEADER.

WHEREAS, the Legislature has been deeply saddened by the death of Mr. Robert D. Burgess of Opp, Alabama, on February 23, 1980, at the age of 79; and

WHEREAS, publisher of The Opp News, Robert Burgess was a native of Shady Grove in Pike County, Alabama; he attended the public schools of Andalusia, where he moved at the age of seven with his family, and where he first began his illustrious career in the newspaper business; and

WHEREAS, at the age of nine, Robert Burgess began work in the afternoon with the Andalusia Star-News and, at sixteen, joined the Tampa Tribune; he later returned to Covington County, working again with the Star-News until 1941 when he acquired ownership of The Opp News, which has received, through the years, numerous awards on the state level; and

WHEREAS, during his long and prestigious years as a newspaperman, Mr. Burgess served with distinction the profession he loved so well, including office as a member of the board of directors of the Alabama Press Association; he also was a long-time and faithful member of the First United Methodist Church of Opp, a past Rotarian, a member of the Opp Country Club and was a former member of both the Opp City School Board and the Mizell Memorial Hospital Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Robert D. Burgess of Opp, Alabama, and extend our most heartfelt sympathy to his family and to his many, many friends.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his son, John Alwyn Burgess, and to his daughter, Mrs. James Wassell, that they may know we truly share the sorrow of their loss in the death of their father, one of our state's most outstanding citizens.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 52. REQUESTING THE STATE DEPARTMENT OF EDUCATION TO PROVIDE CERTAIN STATISTICAL DATA TO THE ALABAMA LEGISLATURE.

WHEREAS, It is the sense of the Alabama Legislature that it is a duty of all departments funded or administered by the State of Alabama to provide the Legislature with the statistical information necessary for making proper judgments in issues now pending before this body; and

WHEREAS, statistics of the Alabama Department of Public Health for the year 1978, for example, show that more than 13,000, or 21.63%, of the births in Alabama were to mothers aged 15 to 19 years; these disturbing figures for such an age group would indicate that perhaps thousands of teenage mothers and/or pregnant students are enrolled in the public schools of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Department of Education of the State of Alabama to provide this body with the following statistical data for grades 10 through 12:

- (a) The total number of pregnant students presently enrolled in the public schools of Alabama;
- (b) the total number of students who already have children; and
- (c) a breakdown of the above figures indicating how many of these students are married and how many are unmarried.

BE IT FURTHER RESOLVED, That in the event the Department of Education does not have such statistical information already available, that the department take steps to immediately conduct such a statewide survey as may be necessary to furnish the above information.

RESOLVED FURTHER, That State Superintendent Wayne Teague be advised, by copy of this resolution, of our request.

Which was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

By Mr. Vacca:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

By Mr. Hall:

S. 93. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar to-wit:

By Messrs. Mitchem, Smith, Robertson, Teague, Proctor, Goodwin, Denton, Kirkland, deGraffenried, St. John, Holmes, Keener, White, Little, Higginbotham, McDonald, Martin, Weeks, Gullledge, Miller, Figures, Hall, Britnell, Harrison, Parsons and Taylor (With Amendment):

S. 97. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Little, Mitchem, Holmes, Proctor, Smith, deGraffenried, McDonald, Barron, Miller, Bailey, Vacca, Parsons, Britnell, Glass and Martin (With Substitute) (With Amendment):

S. 320. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50, 2-13-56 and 2-13-64 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers, price hearings, and penalty provisions for regulation of milk and dairy products, so as to increase the maximum bonding requirement for

distributors, dealers, processors and handlers of milk and dairy products, to provide for price hearings to allow a single hearing for the entire state, and to provide further for the penalty for distributors who fail to pay producers within a specified time, and to repeal existing laws.

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

By Mr. Parsons:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

By Mr. Parsons:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

By Mr. Parsons:

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Section 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

By Mr. Holmes:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

By Mr. Holmes:

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

By Mr. Holmes:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Substitute):

S. 272. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the retail sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators, the administrator of the Alabama Alcoholic Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in retail sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 273. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

By Mr. Smith:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

By Mr. Smith:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Substitute):

S. 276. To abolish the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, and to transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the mental health care and facilities of this state; providing that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; repealing conflicting laws and specific statutes pertaining to the Alabama mental health board, and any inconsistencies contained in Title 22, Chapters 50 and 51 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act; and providing an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Amendment):

S. 278. To repeal sections 41-9-90 through 41-9-95 inclusively and sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend section 41-9-96, Code of Alabama 1975,

which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to transfer all equipment of the terminated commission to the commissioner of revenue within 30 days following enactment of this bill.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 279. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor, with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

By Mr. Smith:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Substitute):

S. 281. To repeal Sections 34-5-1 through 34-5-16, as amended, of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners, and to provide for an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by

Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

By Mr. Smith:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

By Mr. Smith:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

By Mr. Smith:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10 9-13-50 and 9-13-64, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 173. To amend section 2-5-4 of the Code of Alabama 1975 relating to the administrator of the farmers' market authority, so as to provide that his salary shall be set by the authority.

By Mr. Teague:

S. 323. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

By Messrs. Parsons and Kirkland:

S. 362. To remove raccoons and foxes from the category of furbearing animals.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Taylor, Goodwin and Keener:

S. 197. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 190. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

By Mr. McDonald:

S. 330. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations or comparable standardized test determined by the State Board of Education, and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cobb (with notice and proof):

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

By Reps. Grouby and Edwards (with notice and proof):

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Proctor, Martin, Taylor, Bailey, Vacca, Holmes, Denton, Figures, Kirkland and Gullaged (With Amendments):

S. 184. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt

the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Messrs. Barron, Robertson, Martin, Holmes, Harrison, Little, Denton, Proctor, Hall and Kirkland:

S. 171. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the Board of Control of the State Employees' Retirement System so as to restructure said board to provide further for membership on the board of members of the system.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Mr. Harrison:

S. 155. To amend Section 5-19-11 of the Code of Alabama 1975 so as to clarify the remedy provided therein for violation of the Alabama Consumer Credit Act of 1971, or "Mini-Code" (Acts 1971, p. 3290), relative to dismissal of any action on any debt for collection at the cost of the plaintiff."

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES, AND ALL PROGRAMS OF THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 29, to-wit:

COMMITTEE SUBSTITUTE FOR S. J. R. 29

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, MEDICAID AND SOCIAL PROGRAMS, FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare and social programs as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and Medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall thoroughly study and investigate the programs, policies, regulations and procedures of all welfare, Medicaid and social programs, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 15th Legislative Day of the 1981 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$7,000.00.

Which was adpted.

And on motion of Mr. McDonald, said Resolution, S. J. R. 29, as thus amended by the substitute, was then adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Glass, Bailey and Figures.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 61. REQUESTING THE SECRETARY OF STATE TO STOP INTERFERING WITH THE CONDUCT OF PARTY PRIMARY ELECTIONS IN THIS STATE.

Mr. Keener moved that said Resolution, H. J. R. 61, be re-committed to the Standing Committee on Rules.

Mr. White moved that said motion be laid on the table, which motion was lost.

Yeas 3; Nays 23.

Yeas: Messrs.: Martin, McDonald, White.

—3

Nays:

Messrs.:	Denton	Keener	Parsons
Bailey	Figures	Kirkland	Proctor
Britnell	Glass	Lemaster	Smith
Clemon	Hall	Little	Taylor
Cook	Harrison	Miller	Teague
DeGraffenried	Holmes	Mitchem	Vacca

—23

The question was then on the motion to re-commit, which was adopted, and the Resolution, H. J. R. 61, was re-committed to the Standing Committee on Rules.

RESOLUTION

Mr. Lemaster offered the following Senate Resolution, to-wit:

S. R. 53. COMMENDING KENNETH McKINNEY, HEAD FOOT-BALL COACH OF STEVENSON HIGH SCHOOL.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Reps. Zoghby, Bedsole, Turner, Kennedy, Stewart, Buskey, Parker, McMillan and Harper (T):

H. J. R. 72. MOURNING THE TRAGIC DEATH OF KATHERINE ELIZABETH FOSTER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 72, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 105, on page 10 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 105, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 54. Changing the name of "Medical Services Administration" to Medicaid Agency.

Whereas, there exists much confusion among the general public with regard to Medicaid and Medicare, and

Whereas, Medicare is a program of the federal government, administered by the Federal Government and totally funded by the Federal Government, and

Whereas, the current Medicaid crisis has nothing to do with the operation of Medicare, and

Whereas, the name "Medical Services Administration" does not accurately reflect the operation of that agency, and

Whereas, the Legislature's Joint Interim Committee to study Medicaid has recommended in its report that the Medical Services Administration be referred to as "The Medicaid Agency", and

Whereas, changing the name to conform with the majority of other states will not cost the State of Alabama any money.

Now, therefore be it resolved by the Senate of Alabama, the House of Representatives concurring, that the name of "Medical Services Administration" is hereby changed to "Medicaid Agency", and that the Commissioner of Medical Services Administration shall be known as the "Commissioner of Medicaid".

Be it further resolved that a copy of this resolution be sent to the Medicaid agency of the State of Alabama.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 48. MOURNING THE DEATH OF FRANKLIN CORBIN EVANS, PROMINENT CHOCTAW COUNTY JURIST.

Also:

S. J. R. 49. HONORING THE REVEREND DAVID CHESTER MASON, SENIOR, OF CHOCTAW COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 55. HONORING JOHN HOWARD ANDERSON FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, John Howard Anderson, affectionately and widely known as "Doc," served as head athletic trainer for 14 years, and head track coach for 11 years, at Troy State University; and

WHEREAS, during his tenure at Troy State, Doc Anderson directed his track teams to four NAIA District 27 Championships, two Alabama Intercollegiate Conference Championships, in 1970 and 1971, to six cross country championships, and to the GSC Track Championship in 1977; he further produced 22 All-Americans during his prestigious 14-year association with Troy State University; and

WHEREAS, a native of Hackensack, New Jersey, he attended high school at Vermont Academy and is a 1964 graduate of Auburn University where he ran track and cross country and also served as assistant trainer; he additionally holds a Master's Degree earned in 1969 from TSU; and

WHEREAS, as one who truly loves his work, Doc Anderson's entire career has been a reflection of his dedication and devotion both to his young athletes, and to athletics as a means of molding his students into young men well prepared to accept and fulfill the duties of responsible citizenship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend coach John Howard Anderson for his outstanding service to Troy State University; we further direct that he receive a copy of this resolution, in token of appreciation and praise, and as evidence of our warm best wishes for every future success in life.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 56. COMMENDING THE EVERGREEN HIGH SCHOOL FOOTBALL TEAM AND COACH GUY SAWYER.

Which was adopted.

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 57. RESOLUTION CONGRATULATING COACH EDDIE STANKY ON HIS SUCCESSFUL OPERATION.

WHEREAS, The State of Alabama has always excelled in the field of athletics; and

WHEREAS, Mr. Eddie Stanky, head coach of the University of South Alabama Baseball Team, in his twelve seasons as coach has compiled a record of 376 wins against only 129 losses; and

WHEREAS, Coach Stanky has led his squads to four N.C.A.A. National Tournament contests; and

WHEREAS, Coach Stanky himself is a veteran of eighteen years in professional baseball, both as a player and a coach, and has participated in three World Series; and

WHEREAS, Coach Stanky has dedicated his life to helping young men cope with their problems, both on and off of the baseball diamond; and

WHEREAS, Coach Stanky is recovering from a successful heart bypass operation; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Eddie Stanky be extended our congratulations on his successful heart bypass operation and our wishes for a speedy recovery; and that the Legislature of Alabama hopes to see him back at the helm as soon as possible in order that he may exemplify sportsmanship and excellence for all of the players, coaches, and fans as he has done so well in the past.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Eddie Stanky to show our concern for his welfare and gratitude for his services.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 112, on page 13 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 112, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 58. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

WHEREAS, the Congress of the United States currently is considering the enactment of a tax on windfall profits of American oil companies; and

WHEREAS, understandably there has been considerable discussion and disagreement regarding the ultimate disposition of the proceeds which would be realized from such a tax; and

WHEREAS, since 1967 costs for construction, operation and maintenance of highways have increased by nearly one hundred eighty-seven percent; and

WHEREAS, the unprecedented inflation in highway construction and maintenance costs, continuing demand for highway travel and uncertain growth in fuel consumption have prevented the traditional road-user taxes from meeting the street, road and highway needs of this county; and

WHEREAS, the projected shortfall in the available funding for highway purposes is caused by our inflationary economy, by conservation and ecological concerns, by the dramatic price rise in foreign petroleum and by the increased costs of labor and materials which cannot be controlled by state transportation authorities; and

WHEREAS, this revenue problem has created a national problem of the utmost seriousness and urgency; and

WHEREAS, the inability to adequately maintain our highway systems imposes increasing costs on the transportation of people and products, adds to the inflationary spiral and poses an increasing safety hazard to our citizens as the highways continue to deteriorate; and

WHEREAS, the continued maintenance of an adequate highway system is crucial to our economy, well-being and national security; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most earnestly beseech the President and the Congress of the United States to apply the revenues derived from any windfall profits tax on oil companies toward the repair and revitalization of the National Defense Highway System.

BE IT FURTHER RESOLVED, That the Secretary of the Alabama Senate transmit copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation in Washington, D. C., for their prompt consideration and endorsement and as a means of communication to our national leaders the broad support which this proposal enjoys.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS

ON THIRD READING

The Bill:

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Glass
Bailey	Callahan	Denton	Goodwin
Barron	Clemon	Figures	Hall

REGULAR SESSION
8th Day

351

Holmes	Miller	Proctor	Teague	
Keener	Mitchem	St. John	Weeks	
Little	Parsons	Smith	White	
McDonald	Pearson			—25

Nays: —0

The Bill:

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	McDonald	St. John	
Barron	Glass	Miller	Smith	
Britnell	Gulledge	Mitchem	Teague	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Teague	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, P. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	McDonald	St. John	
Barron	Glass	Miller	Smith	
Britnell	Goodwin	Mitchem	Teague	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Glass	McDonald	Smith	
Britnell	Goodwin	Miller	Teague	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Parsons	White	
Cook	Holmes			—25

Nays: —0

REGULAR SESSION
8th Day

353

The Bill:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	Miller	Smith
Britnell	Goodwin	Mitchem	Teague
Callahan	Gulledge	Parsons	Weeks
Clemon	Hall	Pearson	White
Cook	Holmes		

—25

Nays:

—0

The Bill:

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	McDonald	St. John
Barron	Glass	Miller	Smith
Britnell	Goodwin	Mitchem	Teague
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Kirkland		

—25

Nays:

—0

The Bill:

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	McDonald	St. John
Barron	Glass	Miller	Taylor
Britnell	Goodwin	Mitchem	Vacca
Callahan	Harrison	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Keener		

—25

Nays:

—0

The Bill:

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	St. John	
Barron	Glass	Miller	Smith	
Britnell	Gulledge	Mitchem	Teague	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 155. To amend Section 5-19-11 of the Code of Alabama 1975 so as to clarify the remedy provided therein for violation of the Alabama Consumer Credit Act of 1971, or "Mini-Code: (Acts 1971, p. 3290), relative to dismissal of any action on any debt for collection at the cost of the plaintiff."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Lemaster	Robertson	
Barron	Higginbotham	Little	St. John	
Britnell	Holmes	McDonald	Smith	
Cook	Keener	Miller	Taylor	
Denton	Kirkland	Mitchem	White	
Glass				—20

Nays: —0

COMMUNICATION FROM THE SUPREME COURT THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1979-80

To the Members of the Senate
State Capitol
Montgomery, Alabama 36130

Gentlemen:

Senate Bill 55, pending in the Senate, provides:

A BILL
TO BE ENTITLED
AN ACT

To provide for the rate of excise tax on gasohol as defined by this act; and to further provide that for all other purposes the term gasohol shall be included within the term gasoline as defined by Section 40-17-30 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. "Gasohol" as used in this act shall mean a motor fuel containing a minimum of ten percent blend of ethyl alcohol of a purity of at least ninety-nine percent denatured in conformity with one of the approved methods set forth by the U. S. Department of the Treasury, Division of Alcohol, Tobacco and Firearms and derived from agricultural or forest products or other renewable resources.

Section 2. Notwithstanding the other provisions of Chapter 17 of Title 40 of the Code of Alabama 1975, the amount of excise tax on gasohol shall be three cents per gallon less than gasoline. For all other purposes other than the amount of excise tax, the term gasohol shall be included within the term gasoline as defined in Section 40-17-30 of the Code of Alabama 1975.

Section 3. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict herewith.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Resolution No. 44, adopted by the Senate on February 21, 1980, is as follows:

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 55, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Senate Bill 55 of the pending legislative session, which levies an excise tax on the sale of gasohol, conflict with Section 70 of the 1901 Alabama Constitution which section provides in part that "All bills for raising revenue shall originate in the house of representatives."?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send a sufficient number of true copies of the pending bill, S. B. 55, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

We answer the question in the affirmative.

Section 70 of the Constitution of 1901 in its entirety is as follows:

All bills for raising revenue shall originate in the house of representatives. The governor, auditor, and attorney-general shall, before each regular session of the legislature, prepare a general revenue bill to be submitted to the legislature, for its information, and the secretary of state shall have

printed for the use of the legislature a sufficient number of copies of the bill so prepared, which the governor shall transmit to the house of representatives as soon as organized, to be used or dealt with as that house may elect. The senate may propose amendments to the revenue bills. No revenue bill shall be passed during the last five days of the session.

Our cases have consistently made a distinction between "bills for raising revenue" contained in the first sentence of that section and "revenue bill" as used in the last sentence. [In re Opinions of the Justices, 232 Ala. 60, 166 So. 710 (1936), citing *Southern Ry. v. Mitchell*, 139 Ala. 629, 37 So. 85 (1904); In re Opinions of the Justices, 223 Ala. 369, 136 So. 589 (1931); *State ex rel. Ward v. Henry*, 224 Ala. 224, 139 So. 278 (1931); *State ex rel. Franklin County v. Hester*, 224 Ala. 460, 140 So. 744 (1932); *Woco Pep Co. v. Butler*, 225 Ala. 256, 142 So. 509 (1932); *Harris v. State ex rel. Williams*, 228 Ala. 100, 151 So. 858 (1933).]

Clearly the act sought to be amended by the proposed bill is an act "raising revenue." In Opinion of the Justices, 249 Ala. 389, 31 So. 2d 558, the following appears:

We have heretofore expressed the opinion that an act to amend an existing act whose purpose is to raise revenue by which the amount to be collected under the latter act as amended is decreased or increased, is an act to raise revenue and by the terms of section 70 must originate in the House of Representatives. In re Opinion of the Justices, 238 Ala. 289, 190 So. 284; id. 232 Ala. 95, 166 So. 807; *Perry County v. Selma, Marion and Memphis R. Co.*, 58 Ala. 546.

If the proposed act affects the amount of revenue which flows into the State treasury, either as an original measure, or as an amendment to one already in existence, it is one to raise revenue as provided in the first part of section 70. A "revenue bill" under the last sentence of section 70 is more restrictive. In re Opinion of the Justices, 223 Ala. 369, 136 So. 589.

We are of the opinion that Senate Bill 55 is an act to raise revenue and, therefore, must, under the terms of the Constitution, originate in the House of Representatives.

Respectfully submitted,

C. C. TORBERT,

Chief Justice.

HUGH MADDOX,

JAMES H. FAULKNER,

RENEAU P. ALMON,

JANIE L. SHORES,

SAM A. BEATTY,

Associate Justices.

OPINION RENDERED

Pursuant to S. R. 44, the foregoing opinion rendered by the Supreme Court of Alabama relative to S. B. 55 was read and ordered spread upon the Journal.

RESOLUTION

Messrs. de Graffenried and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 59. CITING CAPTAIN W. O. NICHOLS FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the Alabama Legislature notes with praise the distinguished career of Captain W. O. Nichols who jointed the Department of Public Safety in 1952 to serve some 28 years, retiring March 1, 1980, as Commander of the Tuscaloosa Area District, Alabama State Troopers; and

WHEREAS, his first assignment was in Florence, Alabama, followed by duty in Tuscaloosa, Montgomery and Evergreen, rising through the ranks from trooper to Captain, and transferring to the Tuscaloosa District for a second time in 1970, as Commander, and in charge of Tuscaloosa, Bibb, Pickens, Lamar, Fayette, Winston, Greene and Marion Counties; and

WHEREAS, Captain Nichols has prestigiously served as a past president of the Alabama Police Officers Association and he is a graduate of the F.B.I. Academy; his duties additionally have included 18 years as security for Coach Paul Bryant at the University of Alabama football games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain W. O. Nichols on his outstanding career in law enforcement with the Alabama Department of Public Safety; we congratulate him on his retirement, wish him continuing success in all future endeavors, and direct that he receive a copy of this resolution in token of our deep appreciation and high regard.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 220. To propose a constitutional amendment amending further Amendment No. 212, Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate.

The question was on the Finance and Taxation Committee substitute, as amended, which said substitute is set out in the Journal of the Senate for the Seventh Legislative Day.

Mr. Callahan moved that further consideration of the Bill, S. B. 220, be postponed until the Twelfth Legislative Day.

On Motion of Mr. St. John, the motion to postpone was laid on the table.

Yeas 20; Nays 9.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem	
Bailey	Hall	Little	Parsons	
Britnell	Higginbotham	Martin	Proctor	
Clemon	Holmes	McDonald	St. John	
deGraffenried	Keener	Miller	Teague	
Denton				—20

Nays:

Messrs.:	Harrison	Taylor	Weeks	
Barron	Lemaster	Vacca	White	
Callahan	Robertson			—9

Mr. Holmes offered the following amendment to the substitute, as amended, for the Bill, S. B. 220, to-wit:

Amendment No. 3 to substitute, as amended, for S. B. 220.

Amend Substitute, as amended, for S. B. 220 as follows:

On page 2 after the word "fund," strike the remainder of Section 1 and insert in lieu thereof the following:

and shall be designated solely for the purposes of the medicaid program or a similar health care program as designated by the Alabama legislature.

Which was adopted.

Mr. Callahan offered the following amendment to the substitute, as amended, for the Bill, S. B. 220, to-wit:

Amendment to substitute, as amended, for S. B. 220.

Amend substitute, as amended, for Senate Bill No. 220 Page 2 Line 9, after the word "fund" by striking out the remainder of Section 1.

On motion of Mr. Holmes, said amendment was laid on the table.

Yeas 20; Nays 10.

Yeas:

Messrs.:	Figures	Keener	Mitchem	
Bailey	Glass	Kirkland	Parsons	
Barron	Hall	Lemaster	Pearson	
Britnell	Harrison	Little	St. John	
Clemon	Holmes	Martin	Teague	
Cook				—20

Nays:

Messrs.:	Higginbotham	Smith	Weeks	
Callahan	McDonald	Taylor	White	
deGraffenried	Robertson	Vacca		—10

Mr. Callahan then offered the following amendment to the substitute, as amended, for the Bill, S. B. 220, to-wit:

Amendment to substitute, as amended, for S. 220.

Amend as follows:

On page 2, following the Holmes Amendment No. 3, add the following:

Provided, that the additional amount of funds generated by this amendment pledged to the Medicaid program or a similar health care program as designated by the Alabama legislature shall be limited to \$50 million. The remaining monies in excess of the above amount shall go to the General Fund.

Which was adopted.

Yeas 27; Nays 2.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Martin	Smith
Callahan	Higginbotham	McDonald	Taylor
Clemon	Holmes	Miller	Teague
Cook	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Denton	Lemaster	Pearson	White

—27

Nays: Messrs.: Barron, Robertson.

—2

Mr. Robertson offered the following substitute for the Committee substitute, as amended, for the Bill, S. B. 220, to-wit:

Substitute Committee substitute, as amended, for S. B. 220.

A BILL
TO BE ENTITLED
AN ACT

To propose a constitutional amendment amending further Amendment No. 212, Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Amendment No. 212, Constitution of Alabama of 1901, is hereby proposed:

PROPOSED AMENDMENT
STATE TAX ON NET INCOME OF CORPORATIONS

The legislature shall have power to levy and provide for the collection of taxes for state purposes on net income of corporations, from whatever source derived, for the calendar year 1963, or for any fiscal year beginning in the calendar year 1963, and each year thereafter, at a rate not exceeding eight percent. However, all federal income taxes paid or accrued within the taxable year by corporations shall not be deductible in computing net income taxable under the income tax laws of this state, provided that in the case of foreign corporations the amount of federal income tax deductible shall be in proportion to income derived from sources within Alabama, to be determined in accordance with such laws as the legislature may enact.

Section 2. ELECTION ORDERED: DATE OF ELECTION. An election upon the proposed amendment is ordered to be held on the date of the next general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and Section 285 of the Constitution of Alabama 1901, as amended, and Title 17, Chapter 17, Code of Alabama, 1975.

Section 3. NOTICE OF ELECTION. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

MOTIONS IN WRITING

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 48, on page 15 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 48, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 135, on page 19 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 135, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Cates:

H. 36. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

JOHM W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 36. To the Committee on Banking and Insurance.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220, and pending substitute, as amended. The question was on the substitute offered by Mr. Robertson.

MOTION TO ADJOURN LOST

At 4:36 P.M., Mr. White moved that the Senate adjourn until Tuesday, March 4, 1980, at 1 o'clock P.M.

Mr. St. John offered a substitute motion that the Senate adjourn until Tuesday, March 4, 1980, at 1 o'clock A.M., which motion was lost.

The question then recurred on the motion of Mr. White, that the Senate adjourn until Tuesday, March 4, 1980, at 1 o'clock P.M., which motion was lost.

Yeas 7; Nays 20.

Yeas:

Messrs.:	Britnell	Gulledge	Lemaster
Barron	Denton	Harrison	White

—7

Nays:

Messrs.:	Higginbotham	McDonald	St. John
Bailey	Holmes	Miller	Smith
Clemon	Keener	Parsons	Teague
Cook	Kirkland	Pearson	Vacca
deGraffenried	Little	Robertson	Weeks
Hall			

—20

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Clark and Campbell:

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union in this state.

Also:

By Gafford:

H. 8. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 241 and 8. To the Committee on Banking and Insurance.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220, and pending substitute, as amended. The question was on the substitute offered by Mr. Robertson.

On motion of Mr. St. John, said substitute was laid on the table.

Mr. Robertson then offered the following substitute for the Committee substitute, as amended, for the Bill, S. B. 220, to-wit:

Substitute Committee substitute, as amended, for S. B. 220.

A BILL TO BE ENTITLED AN ACT

To propose a constitutional amendment amending further Amendment No. 212, Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Amendment No. 212, Constitution of Alabama of 1901, is hereby proposed:

PROPOSED AMENDMENT STATE TAX ON NET INCOME OF CORPORATIONS

The legislature shall have power to levy and provide for the collection of taxes for state purposes on net income of corporations, from whatever source derived, for the calendar year 1963, or for any fiscal year beginning in the calendar year 1963, and each year thereafter, at a rate not exceeding six percent. However, all federal income taxes paid or accrued within the taxable year by corporations shall not be deductible in computing net income taxable under the income tax laws of this state, provided that in the case of foreign corporations the amount of federal income tax deductible shall be in proportion to income derived from sources within Alabama, to be determined in accordance with such laws as the legislature may enact.

Section 2. ELECTION ORDERED: DATE OF ELECTION. An election upon the proposed amendment is ordered to be held on the date of the next general or special election after the expiration of three months from

final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and Section 285 of the Constitution of Alabama 1901, as amended, and Title 17, Chapter 17, Code of Alabama, 1975.

Section 3. NOTICE OF ELECTION. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

MOTION TO ADJOURN LOST

At 5:33 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, March 4, 1980, at 12:01 A.M.

Mr. White offered a substitute motion that the Senate adjourn until Tuesday, March 4, 1980, at 1:05 P.M., which motion was lost.

Yeas 4; Nays 17.

Yeas: Messrs. Barron, Hall, Robertson, White.

—4

Nays:

Messrs.:	Denton	Little	Smith
Bailey	Higginbotham	Miller	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	St. John	Weeks
deGraffenried	Kirkland		

—17

RECESS

At 5:37 P.M., on motion of Mr. St. John, the Senate took a recess for 10 minutes.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220, and pending substitute, as amended. The question was on the substitute offered by Mr. Robertson.

On motion of Mr. Robertson, unanimous consent was granted to withdraw said substitute.

Mr. White offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 220, to-wit:

Amendment to Committee substitute, as amended, for S. B. 220.

Amend substitute, as amended, for S. B. 220 Page 1 Line 32, by striking out the word "eight" after the word "exceeding" and insert the word "seven."

ADJOURNMENT

At 5:55 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, March 4, 1980, at 8 o'clock A.M.

Mr. White offered a substitute motion that the Senate adjourn until Tuesday, March 4, 1980, at 1:10 P.M., which was adopted, and at 5:57 P.M., in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 220, 3, 71, and 116, the Senate adjourned until Tuesday, March 4, 1980, at 1:10 P.M.

Yeas 13; Nays 12.

Yeas:

Messrs.:	Denton	Higginbotham	Vacca	
Barron	Gulledge	Holmes	White	
Britnell	Hall	Robertson		—13
Callahan	Harrison			
Cook				

Nays:

Messrs.:	Kirkland	Miller	Smith	
Bailey	Little	Parsons	Teague	
deGraffenried	McDonald	St. John	Weeks	
Keener				—12

REGULAR SESSION
9th Day

365

NINTH LEGISLATIVE DAY

TUESDAY, MARCH 4, 1980

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by Doctor Jerry Falwell, Chancellor of Liberty Baptist College and Seminary, Pastor, Thomas Road Baptist Church, Lynchburg, Virginia.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Mitchem, Denton, Britnell, Miller, Holmes, Kirkland, Higginbotham and McDonald:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Committee on Agriculture, Conservation
and Forestry.

By Mr. Keener (with notice and proof):

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 394, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Keener (with notice and proof):

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 395, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Keener (with notice and proof):

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 396, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan (with notice and proof):

S. 397. To amend Act No. 31 of the Alabama Legislature, Second Special Session, 1975 which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according

to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing a public transportation service in such county and the compensation of directors of any such authority.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 397, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Pearson:

S. 398. To amend Section 36-7-21, Code of Alabama 1975 (as amended), which provides for allowances of persons traveling outside state and authorization of out-of-state travel, so as to exempt persons employed by two-year postsecondary institutions which are under control of the state board of education from having to secure approval of the governor for out-of-state travel; providing persons representing two-year postsecondary institutions which are under control of the state board of education shall receive authority for out-of-state travel from the president of the institution and the state superintendent of education.

Committee on Governmental Affairs.

By Mr. McDonald:

S. 399. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 400. To amend Code of Alabama, 1975, Section 16-25-11, which relates to Teachers' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 401. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Committee on Education.

By Mr. Harrison:

S. 402. To include the employees of the Community Services Administration, established by Executive Order No. 17, July 23, 1965, under the provisions of the state personnel merit system rules and regulations.

Committee on Governmental Affairs.

By Messrs. Harrison and Cook:

S. 403. To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

Committee on Finance and Taxation.

By Messrs. Harrison and Cook:

S. 404. To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude distillate or liquefied gas from such definitions.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

Committee on Governmental Affairs.

By Mr. Britnell:

S. 406. Proposing an amendment to the Constitution of Alabama of 1901 to require that any law enacted by the legislature which legalizes gambling or any pari-mutuel betting shall not become effective until approved by a majority of the qualified electors of the state.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Britnell:

S. 407. To amend section 32-6-1 of the Code of Alabama 1975 relating to driver's license requirements, expiration date and renewal procedures, so as to provide that notice be given to every person possessing a driver's license as to its expiration date, and to provide for payment for such notification.

Committee on Judiciary.

By Mr. Britnell:

S. 408. To amend Section 6 of Act No. 79-797, H. 225, of the 1979 Regular Session (Acts 1979, p. 1455), relating to motor vehicle tags so as to increase the penalty for late registration of motor vehicles.

Committee on Judiciary.

RESOLUTIONS

Mr. deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 60. HONORING CAPTAIN ROBERT W. MOORE UPON HIS RETIREMENT FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, Captain Robert W. Moore's retirement from the Alabama Bureau of Investigation of the Department of Public Safety, effective March 1, 1980, ends an outstanding career in law enforcement which has spanned more than 27 years; and

WHEREAS, a native of Luverne in Crenshaw County, Alabama, and a veteran of both World War II and the Korean Conflict, Robert Moore entered law enforcement in 1948 with the Montgomery Police Department; he later joined the Alabama Department of Public Safety and was stationed in Selma for some 16 years in charge of Dallas, Wilcox, Perry, Marengo, Sumter, Greene and Hale Counties; and

WHEREAS, transferred to Tuscaloosa in 1968, Captain Moore has lectured for many years at the Alabama Police Academy, a responsibility for which he is eminently qualified through training and through his many years of experience in the law enforcement field; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain Robert W. Moore on his prestigious career in law enforcement with our gratitude expressed for his outstanding service to the State of Alabama.

BE IT FURTHER RESOLVED, That Captain Moore receive a copy of this resolution in praise and appreciation of his work with the Alabama Department of Public Safety.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. deGraffenried then offered the following Senate Joint Resolution, to-wit:

S. J. R. 61. MOURNING THE DEATH OF MR. HADLEY E. SHURETT OF TUSCALOOSA, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Mr. Hadley E. Shurett on February 10, 1980, in Tuscaloosa, Alabama; and

WHEREAS, Mr. Shurett, who was widely and affectionately known as "Red," was a 50-year employee of Perry Creamery, now called Perry Meadowgold, and a founder of the Alabama Dairy Products Association which he also served as past president; and

WHEREAS, in recognition of his numerous contributions to the association, Red Shurett was honored as the recipient of the Vern Troutman Award for outstanding service; and

WHEREAS, he further was a member of the Personnel Club, the Tuscaloosa Restaurant Association, Lions International, and was a long-time, faithful member of the First United Methodist Church, serving on its executive board at the time of his death; and

WHEREAS, as one of his community's most outstanding and contributing citizens, Mr. Shurett is sorely and deeply missed by his many, many friends, long-time business associates and fellow citizens of the Tuscaloosa area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Hadley E. "Red" Shurett and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Myrtle Greene Shurett, and to their daughter, Mrs. Rudy S. Marlowe, and sons, Ben H. and William Scott Shurett, that they may know of our concern for them in their time of such great sorrow.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dial, Shoemaker, Ford, Johnson (R. G.), Barton and Kelley:

H. J. R. 81. NAMING THE ARMORY AT CHILDERSBURG, ALABAMA, "THE GENERAL IVAN R. SMITH ARMORY."

WHEREAS, Brigadier General Ivan R. Smith is a native of Gadsden, in Etowah County, Alabama; he is a graduate of Cottonwood High School, Cottonwood, Alabama, of Jacksonville State University, with BS and AB Degrees awarded in 1951 and the University of Alabama where he earned his DMD Degree in 1957; and

WHEREAS, commissioned as a Second Lieutenant in Field Artillery upon completion of Senior ROTC training, General Smith entered active duty in August 1951 and, following assignment with the 92nd Armored Field Artillery Battalion, Korea, was released from active duty and attached to the 3052nd USAR School in Birmingham; his 10 military decorations include the Bronze Star, the Korean Service Medal with 3 Service Stars, the Army Commendation Medal, Expert Medical Badge and the Faithful Service Medal of Alabama with 2 Maltese Crosses; and

WHEREAS, General Smith joined the Alabama Army National Guard and was promoted to Captain in 1959; during his prestigious career with the Guard, General Smith has served in numerous assignments on command levels, with promotions through grade to that of Brigadier General in October of 1976 in his present assignment as Assistant State Adjutant General, HHD (-Detachment 1) AL ARNG; and

WHEREAS, General Smith's civilian associations are many and include such offices as past president of the Childersburg Rotary Club, the Childersburg Chamber of Commerce, Talladega Dental Society and of the Alabama Section of the American Colleges of Dentists; he additionally holds membership and has served on the board of numerous civic, social and professional organizations; and

WHEREAS, he also is a Mason and a Shriner, a past member of the Childersburg City Council and a longtime member of the Childersburg First Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation of his active military service, meritorious service with the Alabama Army National Guard and deep civic involvement, we hereby name and designate the armory at Childersburg, Alabama, "The General Ivan R. Smith Armory."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect appropriate signs and markers so designating said armory as "The General Ivan R. Smith Armory."

RESOLVE FURTHER, That a copy of this resolution be sent to General Smith that he may be advised of this honorary designation in appreciation of outstanding service to our country and to the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 81, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 83. CONGRATULATING THE ROBERT E. LEE GENERALS OF MONTGOMERY, ALABAMA, 1980 BOYS' 4A STATE INDOOR TRACK CHAMPIONS.

Also:

By Rep. Harper (T):

H. J. R. 84. MOURNING THE DEATH OF MAYOR J. A. "GUSSIE" WINTZELL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 83, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 84, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor (With Substitute):

S. 122. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Hammett and Holley (with notice and proof):

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

By Rep. Letson (with notice and proof):

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

By Rep. Letson (with notice and proof):

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

By Rep. Crow (with notice and proof):

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

By Rep. Crow (with notice and proof):

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

By Rep. Crow (with notice and proof):

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (J):

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

By Reps. Clark and Campbell:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

By Mr. Kirkland:

S. 238. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing.

By Messrs. deGraffenried, Cook and Robertson:

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (With Amendment):

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca, Cook, Clemon, Hall, White, Parsons, Proctor and Pearson (with notice and proof):

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Substitute) (With Amendments):

S. 324. To amend Code of Alabama 1975 Sections 5-19-3 and 5-19-31 which relate to the regulation of extensions of credit so as to provide further for the maximum finance charges and the manner of their calculation; to provide for the manner of repayment and the payment of certain advance

charges on loans involving an interest in real estate; further to provide that the rates and authority granted herein are in addition to and not in lieu of any other rates or exemptions authorized by law; and to provide in Section 5-19-31 that subdivision (1) rather than subsection (a) of Section 5-19-1 applies to certain loans.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 141. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

By Mr. Cook:

S. 374. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

By Mr. Cook:

S. 375. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

By Mr. Cook:

S. 376. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

By Mr. Bailey:

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Substitute):

S. 215. Relating to insurance; providing for a certain examination period for approval or return by the purchaser of individual life insurance policies and contracts issued for delivery in this state.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Mr. Vacca:

S. 188. To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

By Mr. Denton (With Substitute):

S. 70. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Callahan:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

By Mr. St. John (With Substitute):

S. 217. To amend Title 33, Section 64, Code of Alabama 1940 Recom-piled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

By Mr. Teague:

S. 111. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

By Mr. Little:

S. 118. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

By Mr. Little:

S. 187. To establish appropriate procedures for administering the funds appropriated from the Alabama Special Educational Trust Fund for Hospital Medical Insurance Assistance Professional Staff, Support Staff, and Adult School Bus Drivers.

By Mr. Higginbotham:

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

By Rep. Waggoner:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

MOTION IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 15, on page 12 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 15, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 62. COMMENDING LIEUTENANT COLONEL KARL-HEINZ ROEPER FOR MERITORIOUS SERVICE WITH THE U. S. ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

WHEREAS, Lieutenant Colonel Karl-Heinz Roeper first came to the United States and to Fort Rucker in 1955, upon reactivation of the German Armed Forces; he was sent to our country for fixed wing refresher and light observation helicopter training, graduating in 1956; and

WHEREAS, Colonel Roeper, a native of Kaiserslautern, Germany, and a former American prisoner of war, spent the interim from 1957 to 1973 in a number of assignments in the German Army Aviation with his duties increasing in responsibility from instructor pilot to Battalion Commander and, in last capacity in Germany, as R & D Group Leader for all aviation material of the German Army; and

WHEREAS, since 1973, Lieutenant Colonel Roeper has been once again at Fort Rucker, serving as German Liaison Officer, and will retire from the military in September 1980; and

WHEREAS, as evidences the high regard of Colonel Roeper, he will be the featured speaker at the graduation exercises of a new class of Army Aviation at Fort Rucker, coinciding with the anniversary of his seventh year of service at the U. S. Army Aviation Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deep appreciation to Lieutenant Colonel Karl-Heinz Roeper for outstanding service to the Aviation Center at Fort Rucker, Alabama.

BE IT FURTHER RESOLVED, That Colonel Roeper receive a copy of this resolution, tendered in praise of his service and as an expression of our warm best wishes in all future endeavors.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Bailey	Goodwin	Mitchem	Taylor
Britnell	Hall	Parsons	Teague
Clemon	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Little	St. John	White
Figures	McDonald		

—25

Nays: —0

The Bill:

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	McDonald	St. John
Barron	Glass	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Pearson	White
Cook	Kirkland		

—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Smith	
Barron	Goodwin	Kirkland	Teague	
Callahan	Gulledge	Little	Vacca	
Cook	Hall	Martin	White	
deGraffenried	Holmes	St. John		—18

Nays:

—0

The Bill:

S. 217. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 217, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 217

A BILL TO BE ENTITLED AN ACT

To amend Section 35-11-233, Code of Alabama 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 35-11-233, Code of Alabama 1975 is hereby amended to read as follows:

"Section 35-11-233. (1) Any claim for which a lien is provided in this article may be assigned; and the assignee shall thereby be invested with all the rights of the original holder of the lien, and be entitled to all his remedies to enforce them. The assignee shall have the right to consolidate all such claims in one statement to be filed as herein provided; and the length of time for the filing of said claim shall be measured by the greatest length of time for the filing of any class of claims held by the assignee.

"(2) Any lien claimed under this article may be transferred by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either:

"(a) Depositing with the court in which the action is brought a sum of money, or

"(b) Filing with the court a bond executed as surety by a surety insurer licensed to do business in this state, either to be in an amount equal to the amount demanded in such claim of lien plus interest thereon at six per cent per year for three years plus one hundred dollars to apply on any court costs which may be taxed in any proceeding to enforce said lien.

"Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded and costs not to exceed one hundred dollars. Upon making such deposit or filing such bond the court shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred at the address stated therein. Upon filing the certificate of transfer the real property shall thereupon be released from the lien claimed and such lien shall be transferred to said security. The court shall be entitled to a fee for making and serving the certificate in the sum of two dollars. Any number of liens may be transferred to one such security.

"(3) Any excess of the security over the aggregate amount of any judgments or decrees rendered plus costs actually taxed shall be repaid to the party filing the same or his successor in interest. Any deposit of money shall be considered as paid into court and shall be subject to the provisions of law relative to payments of money into court and the disposition of same.

"(4) Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in the circuit court of the county where such security is deposited for an order to require additional security, reduction of security change or substitution of sureties, payment or discharge thereof or any other matter affecting said security.

"(5) If no proceeding to enforce a transferred lien shall be commenced within the time specified, or if it appears that the transferred lien has been satisfied of record, the court shall return said security upon request of the person depositing or filing the same, or the insurer."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Miller
Bailey	Denton	Keener	Pearson
Barron	Glass	Kirkland	Proctor
Britnell	Gulledge	Lemaster	St. John
Callahan	Hall	Little	Smith
Clemon	Higginbotham	Martin	White
Cook			

—24

Nays:

—0

Mr. Barron was granted unanimous consent to offer the following amendment to the Bill, S. B. 217, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 217, AS AMENDED

Amend Senate Bill No. 217, as amended, Page 2, Line 13, by striking out six after the word "at" and inserting in lieu thereof the word "eight".

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Pearson	
Barron	Glass	Keener	Proctor	
Britnell	Goodwin	Kirkland	St. John	
Callahan	Gulledge	Lemaster	Smith	
deGraffenried	Hall	Little	Vacca	
Denton	Higginbotham	Martin	White	
				—23

Nays:

—0

And said Bill, S. B. 217, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Proctor	
Barron	Glass	Kirkland	St. John	
Britnell	Goodwin	Lemaster	Smith	
Clemon	Gulledge	Little	Teague	
Cook	Hall	Martin	Vacca	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes	Pearson		
				—26

Nays:

—0

PRESIDING OFFICER ASSUMES CHAIR

At 2:09 P.M., Lieutenant Governor McMillan resumed his duties as President and Presiding Officer of the Senate.

MOTIONS IN WRITING

Mr. St. John offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 306, on page 34 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 306, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Teague offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 110, on page 31 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 110, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Teague then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 323, on page 56 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

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Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 323, referred to the Standing Committee on Rules for placement on the Consent Calendar.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 118. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Proctor
Barron	Hall	Kirkland	St. John
Britnell	Harrison	Little	Smith
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton			

—20

Nays:

—0

The Bill:

S. 111. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Parsons
Barron	Figures	Keener	Proctor
Britnell	Glass	Kirkland	St. John
Callahan	Goodwin	Lemaster	Teague
Clemon	Gulledge	Little	Vacca
Cook	Hall	Martin	White
deGraffenried	Higginbotham	Mitchem	

—26

Nays:

—0

The Bill:

S. 187. To establish appropriate procedures for administering the funds appropriated from the Alabama Special Educational Trust Fund for Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 2.

Yeas:

Messrs.:	Denton	Keener	Miller	
Barron	Figures	Kirkland	Mitchem	
Britnell	Goodwin	Lemaster	Proctor	
Cook	Hall	Little	Smith	
deGraffenried	Holmes	Martin		—18

Nays: Messrs.: Weeks, White.

—2

NOTICE IN WRITING

Mr. Cook offered the following Notice in Writing, to-wit:

Notice is hereby given in accordance with the Senate Rules that on the next Legislative Day a Motion will be made to amend Senate Rule 14 as follows:

Rule 14.

(4) Bills on the consent calendar may be amended or substituted and may be subject to any motion except a motion to carry over beyond one hour, provided, however, any motion that receives five (5) or more objections shall not be considered.

(5) The total time for debate on each bill shall not exceed 30 minutes, at which time a vote thereon shall be taken, provided, however, if the bill is amended in any manner the total time of consideration for the bill shall be one hour.

DOUG COOK,
Senator.

Which was read and ordered spread upon the Journal.

CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Proctor	
Bailey	Gulledge	Kirkland	St. John	
Barron	Hall	Lemaster	Smith	
Britnell	Harrison	Little	Taylor	
Callahan	Higginbotham	Miller	Vacca	
Cook	Holmes	Mitchem	Weeks	
Denton				—24

Nays:

—0

The Bill:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Holmes	Miller	Vacca
Cook	Keener	Proctor	Weeks
deGraffenried	Kirkland		

—21

Nays:

—0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 220. To propose a constitutional amendment amending further Amendment No. 212, Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate.

The question was on the White amendment to the Committee substitute, as amended, for the Bill, S. B. 220, which said amendment is set out in the Journal of the Senate for the Eighth Legislative Day.

On motion of Mr. White, said amendment was laid on the table.

Mr. Barron offered the following amendment to the substitute, as amended, for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR SENATE BILL 220

Amend the substitute for Senate Bill 220 by deleting the words "eight percent" on line 32 of page 1 and inserting in lieu thereof the following:

"five percent on the first \$50,000.00 of taxable income or portion thereof; six percent on that portion on taxable income, if any, in excess of \$50,000.00 and less than \$75,000.00; seven percent on that portion of taxable income, if any, in excess of \$75,000.00 and less than \$100,000.00; and eight percent of taxable income, if any, in excess of \$100,000.00."

Which was adopted.

Mr. Callahan offered the following amendment to the substitute, as amended, for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR SENATE BILL 220

Amend the substitute for Senate Bill 220 by deleting the words "eight percent" on line 32 of page 1 and inserting in lieu thereof the following:

"three percent on the first \$10,000.00 of taxable income or portion thereof; four percent of that portion above \$10,000.00 and less than \$25,000.00; five percent on that portion of taxable income above \$25,000.00; five percent on that portion of taxable income above \$25,000.00 and less than \$50,000.00; six percent on that portion on taxable income, if any, in excess of \$50,000.00 and less than \$75,000.00; seven percent on that portion of taxable income, if any, in excess of \$75,000.00 and less than \$100,000.00; and eight percent of taxable income, if any, in excess of \$100,000.00."

On motion of Mr. Mitchem, said amendment was laid on the table.

Yeas 18; Nays 11.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem	
Bailey	Hall	Lemaster	Parsons	
Britnell	Higginbotham	Little	Pearson	
deGraffenried	Holmes	Martin	St. John	
Denton	Keener	Miller		—18

Nays:

Messrs.:	Glass	Robertson	Vacca	
Barron	Goodwin	Smith	Weeks	
Callahan	McDonald	Taylor	White	
				—11

Mr. Callahan then offered the following amendment to the substitute, as amended, for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR SENATE BILL 220

Amend the substitute to Senate Bill 220 by adding the following un-numbered paragraph at the end of Section 1:

"The term "taxable income" is hereby defined as that amount of income as determined by the applicable provisions of the United States Internal Revenue Code in force and effect at such time, reduced by the amount of federal income taxes paid or accrued."

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Figures	Little	Pearson	
Bailey	Hall	Martin	Proctor	
Britnell	Higginbotham	McDonald	St. John	
deGraffenried	Holmes	Mitchem	Smith	
Denton	Keener	Parsons	Taylor	
				—19

Nays:

Messrs.:	Glass	Kirkland	Weeks	
Barron	Goodwin	Robertson	White	
Callahan	Harrison	Vacca		—10

Mr. Callahan then offered the following amendment to the substitute, as amended, for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR SENATE BILL 220

Amend the substitute to Senate Bill 220 by adding the following un-numbered paragraph at the end of Section 1:

"The term "taxable income" is hereby defined as that amount of income as determined by the applicable provisions of the United States Internal Revenue Code in force and effect at such time."

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 16; Nays 12.

Yeas:

Messrs.:	Hall	Martin	Pearson	
Bailey	Holmes	Miller	Proctor	
Britnell	Keener	Mitchem	St. John	
deGraffenried	Little	Parsons	Smith	
Denton				—16

Nays:

Messrs.:	Goodwin	Kirkland	Vacca	
Barron	Harrison	Robertson	Weeks	
Callahan	Higginbotham	Taylor	White	
Glass				—12

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 12. DESIGNATING THE PARAMOUNT THEATRE IN MONTGOMERY, ALABAMA, AS OUR STATE'S OFFICIAL THEATRE FOR THE PERFORMING ARTS.

Also:

S. J. R. 33. MOURNING THE DEATH OF MR. E. FRANK SANDERS, PROMINENT SOUTH BALDWIN COUNTY BANKER AND CIVIC LEADER.

Also:

S. J. R. 26. COMMENDING DR. AND MRS. SOLON DIXON AND APPROVING THE NAMING OF AUBURN UNIVERSITY'S NEW FORESTRY EDUCATION CENTER IN THEIR HONOR.

Also:

S. J. R. 27. HONORING MRS. CHARLES DIXON AND NAMING THE AUDITORIUM AT THE SOLON DIXON FORESTRY EDUCATION CENTER, THE "CHARLES DIXON AUDITORIUM."

Also:

S. J. R. 30. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF MR. LEO MARTIN, SR., OF NATCHITOCHES, LOUISIANA.

Also:

S. J. R. 32. HONORING REX McDOWELL, DIRECTOR OF THE LEGISLATIVE FISCAL OFFICE.

Also:

S. J. R. 35. ANNOUNCING THE LEGISLATURE'S SUPPORT FOR CARE OF THE INDIGENT ELDERLY AND DISABLED.

Also:

S. J. R. 37. EXPRESSING THE LEGISLATURE'S APPRECIATION TO TVA OFFICIALS AND PLEDGING ITS FULL SUPPORT OF THE AUTHORITY'S PROPOSED "MURPHY HILL SITE" IN MARSHALL COUNTY, ALABAMA.

Also:

S. J. R. 38. NOTING THE OCCASION OF ROTARY INTERNATIONAL'S 75TH ANNIVERSARY.

Also:

S. J. R. 39. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

Also:

S. J. R. 42. COMMENDING THE ALABAMA A & M SOCCER TEAM, 1979 NATIONAL CHAMPIONS.

Also:

S. J. R. 43. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA'S BASKETBALL TEAM, AND COACH CLIFF ELLIS, FOR WINNING THE SUN BELT CONFERENCE CHAMPIONSHIP FOR THE SECOND YEAR IN A ROW.

Also:

S. J. R. 48. MOURNING THE DEATH OF FRANKLIN CORBIN EVANS, PROMINENT CHOCTAW COUNTY JURIST.

Also:

S. J. R. 49. HONORING THE REVEREND DAVID CHESTER MASON, SENIOR, OF CHOCTAW COUNTY, ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (with notice and proof):

H. 565. Relating to Baldwin County; authorizing the county governing body to employ highway personnel and to purchase or lease equipment and materials and to contract therefor for the construction, maintenance and repair of public roads, bridges and ferries, and to provide for the payment therefor, the "captive" county status of Baldwin County notwithstanding.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 565, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Moore and Smith (C) (with notice and proof):

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 569, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Holley and Ray (with notice and proof):

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 583, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Sandusky (with notice and proof):

H. 191. Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 191, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 193. Relating to Mobile County; providing for an additional expense allowance for the tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 193, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Buskey and Kennedy:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

Also:

By Rep. Zoghby (with notice and proof):

H. 236. Relating to Mobile County; providing for the position of supernumerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 236, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 409. Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 409, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 525, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 527, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 565, 569, 583, 191, 193, 236, 409, 525, and 527. To the Committee on Local Legislation No. 1.

H. B. 167. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Owens, Sandusky, McMillan, Dixon, Cabaniss, Dial, Carothers, Riddick, Shoemaker, Venable, Hammett, Carter, Roberts, Waggoner:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 540. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220. The question was on the Committee substitute, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 65. Commending Dr. Fain A. Guthrie of the University of Alabama in Birmingham's School of Education and extending best wishes for continuing success as Professor of Human Services Education.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Also:

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

Also:

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

Also:

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the Sheriff at his discretion relative to such office."

Also:

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

Also:

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

Also:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make his act retroactively effective to June 28, 1978.

Also:

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Also:

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

Also:

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

Also:

H. J. R. 72. MOURNING THE TRAGIC DEATH OF KATHERINE ELIZABETH FOSTER.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

Also:

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

Also:

H. J. R. 81. NAMING THE ARMORY AT CHILDERSBURG, ALABAMA, "THE GENERAL IVAN R. SMITH ARMORY."

Also:

H. J. R. 83. CONGRATULATING THE ROBERT E. LEE GENERALS OF MONTGOMERY, ALABAMA, 1980 BOYS' 4 A STATE INDOOR TRACK CHAMPIONS.

Also:

H. J. R. 84. MOURNING THE DEATH OF MAYOR J. A. "GUSSIE" WINTZELL.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220. The question was on the Committee substitute, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 595. To provide that all medicaid eligible persons shall be required to pay the sum of \$1.00 for all prescription drugs received under the medicaid program, except designated exemptions.

Also:

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Also:

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 597. To establish a ceiling on reimbursement for inpatient hospital services provided under the Alabama Medicaid Program at the eightieth percentile of per diem cost rates established for inpatient hospital services.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 595, 596, and 597. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

Also:

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medical agency and authorization for release of information.

Also:

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 598. To provide for the specific exclusion of certain classes of cost items from the reimbursement methodology used by the Alabama Medicaid Program in reimbursing certain classes of medical service providers. Specifically affected shall be non profit medical facilities and/or medical facilities wholly or partially constructed and equipped using federal, state, or county funds. Also excluded for these classes shall be allowances for depreciation on facilities and equipment, and allowances for a return on assets.

Also:

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 590, 600, 598, and 593. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Carothers and Johnson (R. G.):

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

Also:

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 602 and 601. To the Committee on Health and Welfare.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220. The question was on the Committee substitute, as amended.

Mr. Robertson moved that further consideration of the Bill, S. B. 220, and pending substitute, as amended, be postponed temporarily.

On motion of Mr. St. John, the motion to postpone was laid on the table.

Yeas 22; Nays 10.

Yeas:

Messrs.:	Figures	Little	Pearson
Britnell	Gulledge	Martin	Proctor
Clemon	Hall	McDonald	St. John
Cook	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Parsons	—22

Nays:

Messrs.:	Glass	Kirkland	Vacca
Bailey	Goodwin	Robertson	White
Barron	Harrison	Taylor	—10

Mr. White offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 220

Amend the substitute for Senate Bill 220 by deleting the words "eight percent" on line 32 of page 1 and inserting in lieu thereof the following:

"five percent on the first \$50,000.00 of taxable income or portion thereof; 5½ percent on that portion on taxable income, if any, in excess of \$50,000.00 and less than \$75,000.00; 6 percent on that portion of taxable income, if any, in excess of \$75,000.00 and less than \$100,000.00; and 6 percent of taxable income, if any, in excess of \$100,000.00."

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 24; Nays 6.

Yeas:

Messrs.:	Figures	Kirkland	Parsons
Bailey	Gulledge	Little	Pearson
Britnell	Hall	Martin	Proctor
Clemon	Higginbotham	McDonald	St. John
Cook	Holmes	Miller	Smith
deGraffenried	Keener	Mitchem	Teague
Denton			—24

Nays: Messrs.: Barron, Goodwin, Harrison, Robertson, Taylor, White. —6

RESOLUTION

Messrs. Taylor, Barron, Harrison, and Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 63. REQUESTING EASTERN AIRLINES TO RECONSIDER ITS DECISION TO DISCONTINUE SERVICE IN MONTGOMERY, AND URGING ASSISTANCE OF THE ALABAMA CONGRESSIONAL DELEGATION IN RETAINING SAID SERVICE.

WHEREAS, by virtue of the fact that the City of Montgomery is our state's governmental center and the location of both Maxwell Air Force Base and Gunter Air Force Station, adequate passenger airline service is an absolute necessity; and

WHEREAS, Montgomery, further, is estimated to be a metropolis of some 180,000 persons, with an entire trade area encompassing 13 counties, and its immediate trade area population, from just three counties, is more than a quarter of a million; and

WHEREAS, even more importantly, because of its central Alabama location, numerous individuals both from within and without the large trade area travel to Montgomery for departure to Atlanta, Georgia, and connecting flights to points around the globe; and

WHEREAS, with numerous manufacturing plants already situated in and near Montgomery, additional plants and industry continue to find Montgomery a desirable location and it is therefore anticipated that Montgomery, as other big cities in the rapidly growing Southeastern United States, will continue to increase in population as will its need for adequate airline service; and

WHEREAS, by Eastern Airline's admission, its Montgomery flights are adequately booked and therefore in no way economically detrimental; to the contrary we would assume that Montgomery flights, normally full, would be economically advantageous to Eastern in that the majority of persons make connecting reservations with the original issuer of a ticket whenever possible; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request Eastern Airlines to reconsider its decision to discontinue service in Montgomery, Alabama.

BE IT FURTHER RESOLVED, That the Alabama Legislature also urges its entire Congressional Delegation in Washington, D. C., to assist the Legislature and the City of Montgomery in efforts to retain adequate airline passenger service for this large portion of the State of Alabama.

RESOLVED FURTHER, That copies of this resolution be dispatched to the President of Eastern Airlines and to the members of the Alabama Congressional delegation.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 214, on page 30 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 214, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 220

The Senate proceeded to further consideration of the Bill, S. B. 220. The question was on the Committee substitute, as amended.

Mr. White offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 220, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 220

Amend the substitute for Senate Bill 220 by deleting the words "eight percent" on line 32 of page 1 and inserting in lieu thereof the following:

"Four percent on the first \$10,000.00 of taxable income or portion thereof; four & one half percent of that portion above \$10,000.00 and less than \$25,000.00; five percent on that portion of taxable income above \$25,000.00 and less than \$75,000.00; five and one half percent on that portion of taxable income, if any, in excess of \$75,000.00 and less than \$100,000.00; and six percent of taxable income, if any, in excess of \$100,000.00."

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 23; Nays 7.

Yeas:

Messrs.:	Denton	Kirkland	Pearson
Bailey	Gulledge	Little	Proctor
Britnell	Hall	Martin	St. John
Clemon	Higginbotham	Miller	Smith
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca

—23

Nays:

Messrs.:	Glass	Harrison	Taylor
Barron	Goodwin	Robertson	White

—7

And said substitute, as amended, for the Bill, S. B. 220, was then adopted by the Senate.

Yeas 27; Nays 7.

Yeas:

Messrs.:	Figures	Lemaster	Pearson
Bailey	Gulledge	Little	Proctor
Britnell	Hall	Martin	St. John
Clemon	Higginbotham	McDonald	Smith
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks

—27

Nays:

Messrs.:	Glass	Harrison	Taylor
Barron	Goodwin	Robertson	White

—7

REGULAR SESSION
9th Day

399

And said Bill, S. B. 220, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed.

Yeas 27; Nays 8.

Yeas:

Messrs.:	Figures	Lemaster	Pearson
Bailey	Gulledge	Little	Proctor
Britnell	Hall	Martin	St. John
Clemon	Higginbotham	McDonald	Smith
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks

—27

Nays:

Messrs.:	Glass	Harrison	Taylor
Barron	Goodwin	Robertson	White
Callahan			

—8

Mr. St. John moved that the Senate reconsider the vote by which the Bill, S. B. 220, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S. R. 64. BE IT RESOLVED BY THE SENATE That the following shall be the special paramount and continuing order of business today superseding all and any prior special, paramount and continuing order of business:

Bill No.	Page No.	Description
S. B. 320	39	Medicaid transfer funds

Which was adopted.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 320. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 320, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 320

A BILL
TO BE ENTITLED
AN ACT

To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby transferred from the state insurance fund, as provided for in Chapter 15 of Title 41 of the Code of Alabama 1975, the sum of \$24,625,000 dollars to the credit of the state general fund to be used only for medicaid purposes and \$375,000 to the office of the Attorney General to be used for welfare fraud investigation only. Such amounts as transferred to the state general fund as provided herein, or any part thereof, may be transferred back from the state general fund to the state insurance fund and the office of the attorney general, with interest at 8 percent per annum, whenever the state finance director, with the approval of the Governor, determines that there are sufficient funds in the state general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 320, to-wit:

COMMITTEE AMENDMENT TO
SUBSTITUTE FOR S. B. 320

Amend Senate Bill 320, page 1, line 34 by deleting the word "may" and inserting in lieu thereof the word "shall".

Further amend the bill by inserting on page 1, line 35, after the word "fund" the following "only from new sources of revenue provided by an act of the legislature enacted subsequent to February 5, 1980."

Further amend the bill on page 2, line 5, after the word "sufficient", by inserting the word "appropriate".

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 320, was then adopted by the Senate.

REGULAR SESSION
9th Day

401

Yeas 32; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson
Bailey	Glass	Lemaster	Proctor
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	White
deGraffenried	Holmes	Parsons	—32
Denton	Keener		

Nays: —0

Mr. Proctor offered the following substitute for the Bill, S. B. 320, as amended by the Committee substitute, to-wit:

SUBSTITUTE FOR S. B. 320, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature to make available the sum of \$11,447,537 provided as unappropriated ending balance in Act 79-540 to be used and is hereby appropriated for payment of the cost-of-living increase for the fiscal year ending September 30, 1980, in accordance with the provision of Act No. 79-540. It is further the intention of the legislature and hereby appropriated to the extent necessary as authorized by Act No. 79-724 from the General Fund of Alabama or from any departmental budgets from which state employees are paid such amounts as are necessary for state employee pay increases as authorized by Act No. 79-724 of the 1979 Regular Session.

Section 2. For the purpose of providing funds for emergency payment to Medicaid through the fiscal year ending September 30, 1980, the legislature authorizes and hereby appropriates from such reserves as may accrue from the General Fund of the state of Alabama and from such reserves as may exceed the amounts required by law for the state Insurance Fund, such amounts as are available and as may be determined by the Governor to be necessary for the operation of Medicaid through September 30, 1980. In the event that the available balances in the General Fund of Alabama and the state Insurance Fund should be insufficient, the Governor shall have the power to use and there is hereby appropriated other state funds including any Trust funds except those which had a zero balance on September 30, 1979, for the purpose of fully funding Medicaid through September 30, 1980, up to the sum of \$28 million.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 5.

Yeas:

Messrs.:	Denton	Keener	Pearson
Bailey	Figures	Kirkland	Proctor
Barron	Goodwin	Lemaster	Robertson
Britnell	Gulledge	Martin	St. John
Clemon	Hall	Miller	Taylor
Cook	Harrison	Mitchem	Teague
deGraffenried	Holmes	Parsons	Weeks

—27

Nays: Messrs.: Callahan, Little, McDonald, Smith, White.

—5

And said Bill, S. B. 320, as thus amended by the Proctor substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 34; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland	Proctor	

—34

Nays:

—0

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, S. B. 320, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

ADJOURNMENT

At 8:35 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 3, 71, and 116, the Senate adjourned until Thursday, March 6, 1980, at 12 o'clock Noon.

TENTH LEGISLATIVE DAY

THURSDAY, MARCH 6, 1980

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles B. Stroud, Pastor, Ridgecrest Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. Higginbotham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britnell:

S. 1. To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1979; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

By Mr. Callahan:

S. 225. To amend Sections 16-25-3 and 36-27-41, Code of Alabama 1975 to provide for the reopening of the teachers' retirement system and the employees' retirement system so as to allow members of both systems to repay on or before October 1, 1980 any contributions previously withdrawn plus interest; and to provide membership credit under certain circumstances for up to four years military service.

By Mr. Pearson:

S. 243. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

By Mr. Kirkland:

S. 52. To provide for a tax credit for payments for enrollment in programs for dieting or stopping smoking.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Substitute):

S. 81. To reopen the Employees' Retirement System of Alabama for prior service for certain members who are precluded from obtaining credit for such service for reasons other than nonmembership, providing that as a prerequisite to such credit members must, on October 1, 1980, be active and contributing members of the Employees' Retirement System of Alabama; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1980.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 245. To provide for and authorize the incorporation of the Alabama Student Loan Authority as a public, not for profit corporation of the State; to provide for the appointment and powers of a board of directors of the Authority; to grant various general powers to the Authority and to specify the condition under which such powers may be exercised; to empower the Authority to acquire student loan notes guaranteed or insured under the Higher Education Act of 1965, as amended; to empower the Authority to borrow

money for its various corporate purposes and in evidence thereof to issue its bonds and notes; to prescribe certain terms and conditions upon which the Authority may sell and issue its bonds and notes; to authorize the Authority to assign and pledge its revenues, moneys or assets as security for its bonds and notes; to provide that the bonds and notes of the Authority shall not constitute or create a debt of the State or a charge on its credit or taxing powers; to provide that the bonds and notes of the Authority shall, subject to certain conditions, constitute negotiable instruments; to authorize the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of the Authority; to provide for the refunding, by the issuance and sale of refunding bonds or notes, of any bonds or notes theretofore issued by the Authority; to provide that the bonds and notes of the Authority shall be legal investments for trust and other fiduciary funds and as security for deposits of funds of the State or its political subdivisions, instrumentalities or agencies, whenever such security is required; to exempt from all taxation in the State the properties, revenues, and income of the Authority, and the bonds and notes of the Authority, their transfer and the income from such bonds and notes; to exempt the Authority, its bonds, notes and contracts from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority and all contracts made by it from all laws of the State requiring competitive bids for contract or purchase; to provide for the liberal construction of the provisions of this Act; to provide that the Authority shall be a not for profit corporation and that any revenues of the Authority remaining after provision has been made for payment of the expenses, bonds and notes of the Authority shall be used to purchase student loan notes or be paid over to the State; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by the Authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of the Authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

By Mr. Callahan:

S. 248. To amend Section 12-18-84 of the Code of Alabama 1975 relating to the eligibility for retirement of probate judges so as to allow any probate judge who is an active member of the judicial retirement fund to receive credit for up to six (6) years of credit for time served as a tax assessor, tax collector, circuit clerk, superintendent of education, sheriff, legislator, or county commissioner provided that only services rendered within the State of Alabama shall be eligible and such service shall not be eligible if the probate judge is entitled to any credit or benefits from a retirement or pension plan funded wholly or partly by public funds, and which is based on the same service; to provide for the payment of a contribution based on the current salary and contribution rate of any probate judge applying for such service within a one year period of time which commences on the date that the probate judge completes 5 years of creditable service with the judicial retirement fund or the effective date of this Act if such probate judge applying hereunder has the requisite creditable service upon the enactment of this legislation.

By Messrs. Proctor, Parsons, Cook and Vacca:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

By Mr. deGraffenried:

S. 333. To amend Section 38-4-1 of the Code of Alabama 1975 which relates to persons to whom public assistance is payable by deleting the 18 year age limitation for aid to the permanently and totally disabled.

By Mr. Little:

S. 334. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

By Mr. Holmes:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens, et al: (With Substitute):

II. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Vacca and Barron:

S. 101. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

By Messrs. Lemaster and Kirkland:

S. 257. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

By Mr. Cook:

S. 23. To provide for a state office of space management under the authority and control of the state building commission; to prescribe the functions of such office and to provide for the appointment and salary of a director for such office.

By Mr. Cook:

S. 24. To amend Section 41-9-140, Code of Alabama 1975, which relates to the building commission so as to provide further for the term of the legislative members and for meetings of the commission.

By Mr. Smith:

S. 203. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U. S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

By Mr. Martin:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

By Mr. Smith:

S. 294. To amend Article VI and Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement, so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement, and to increase the number of executive committee members.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Britnell (With Substitute):

S. 169. To amend Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which Act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties," and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such accumulated sick leave to their respective county retirement systems if available.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Amendment):

S. 304. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Pegues and Moore:

H. 96. To amend § 39-2-2 of the Code of Alabama 1975 to require competitive bidding on any contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to wit:

By Messrs Goodwin and Taylor (With Amendments):

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Clemon (With Substitute):

S. 342. To amend Section 16-7-2, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven to conform to the congressional districts in the state.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Pegues, Carothers and Johnson (R. G.):

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

By Reps. Pegues, Carothers and Johnson (R. G.) and Holley:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

By Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 595. To provide that all medicaid eligible persons shall be required to pay the sum of \$1.00 for all prescription drugs received under the medicaid program, except designated exemptions.

By Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 597. To establish a ceiling on reimbursement for inpatient hospital services provided under the Alabama Medicaid Program at the eightieth percentile of per diem cost rates established for inpatient hospital services.

By Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 598. To provide for the specific exclusion of certain classes of cost items from the reimbursement methodology used by the Alabama Medicaid Program in reimbursing certain classes of medical service providers. Specifically affected shall be non profit medical facilities and/or medical facilities wholly or partially constructed and equipped using federal, state, or county funds. Also excluded for these classes shall be allowances for depreciation on facilities and equipment, and allowances for a return on assets.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.) (With Amendment):

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medical agency and authorization for release of information.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Ray (with notice and proof):

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Mr. Little:

S. 119. To provide the State Department of Pensions and Security with additional income from State income tax refunds designated by taxpayers to be paid to the State Department of Pensions and Security for the purpose of relieving persons in this State from the distress of poverty, to promote self-care, enlarge their economic opportunities, and to stimulate persons to greater efforts in helping themselves to become self-supporting, to provide protective services and foster care to children and adults who are in danger of abuse or exploitation and for other welfare purposes.

LOCAL BILLS ON THIRD READING

The Bill:

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

was read a third time at length and passed.

Yeas 25 Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	McDonald	St. John
Barron	Glass	Miller	Smith
Britnell	Goodwin	Mitchem	Teague
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Kirkland		

Nays: —25
—0

MOTION IN WRITING

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 317, on page 64 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 317, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. White, Martin, Robertson, Keener, deGraffenried, Goodwin, Harrison, Vacca, Weeks, Holmes, Kirkland, Proctor, Parsons, Cook, Barron, Hall, and Glass offered the following Senate Joint Resolution, to-wit:

S. J. R. 65. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. J. R. 34, Regular Session 1980 is hereby repealed.

PROVIDED FURTHER, That when both houses adjourn on Thursday, March 6, 1980, they adjourn to meet again on Tuesday, March 11, 1980; and when they adjourn on Tuesday, March 11, they adjourn to meet again on Thursday, March 13, 1980; and when they adjourn on Thursday, March 13, they adjourn to meet again on Tuesday, March 18, 1980; and when they adjourn on Tuesday, March 18, they adjourn to meet again on Thursday, March 20, 1980.

Which was read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 80, on page 34 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 80, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Vacca then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 77, on page 33 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 77, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 238, on page 63 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 238, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 154, on page 62 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 154, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 220. To propose a constitutional amendment to the Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate and provide for the distribution of any additional revenue.

ALBERT McDONALD,
Chairman.

PRESIDING OFFICER ASSUMES CHAIR

At 12:40 P.M., Lieutenant Governor McMillan resumed his duties as President and Presiding Officer of the Senate.

RESOLUTIONS

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 66. TO SET LEGISLATIVE MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. J. R. 34, Regular Session 1980, is hereby repealed.

PROVIDED FURTHER, That when the legislature adjourns on Thursday, March 6, the legislature adjourns to meet again on Wednesday March 12.

Which was read and referred to the Standing Committee on Rules.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 67. COMMENDING THE ALBERTVILLE HIGH SCHOOL BAND FOR FIRST PLACE 1980 HONORS IN NEW ORLEANS, LOUISIANA.

WHEREAS, it is with the utmost pride and pleasure that the Legislature of Alabama congratulates the Albertville High School Band, First Place for 1980 in the prestigious "Greatest Bands in Dixie" Contest, sponsored by the Krewe of Mid-City, New Orleans, Louisiana, during the annual Mardi Gras Festival; the Band also won top honors in the "Invitational Festival of Bands" Competition sponsored by the Krewe of Argus; and

WHEREAS, since 1975, the Albertville High School Band has been under the talented direction of Mr. Stacy Goss, with the administrative support of Principal Arthur Baugh; during this time the band's programs have expanded to include both "C" and "B" Bands as well as Concert, Symphonic, Lab, Jazz and Marching Bands; and

WHEREAS, assisted by Mr. Robert Killian, Associate Director since 1978, Mr. Goss has directed his band's talented young musicians to numerous First Place Awards and Superior Ratings in competition throughout Alabama and the entire Southeast; the band also, selected as North Alabama Bicentennial Band, was invited to participate in the U.S.A. Bicentennial Celebration in Philadelphia, Pennsylvania; and

WHEREAS, in addition to consistent and annual honors for the Albertville High School Bands, the Color Guard and Majorettes have also enjoyed prestige as "Best in Class" in 1978 in Chattanooga, Tennessee, and the Majorettes, again in '79 in Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Albertville High School Band on outstanding honors received and most particularly on the 1980 First Place Awards in New Orleans, Louisiana.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Arthur Baugh for appropriate school display with copies also to Director Goss and Associate Director Robert Killian on behalf of the entire membership of the Albertville High School Band.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 93, on page 34 of the Tenth Day Calendar, be referred to the standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 93, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 167, on page 4 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 167, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gullledge offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 200, on page 8 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 200, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 68. COMMENDING MR. HOYT WEBB FOR MERITORIOUS SERVICE WITH THE AUBURN UNIVERSITY EXTENSION SERVICE.

WHEREAS, the December 31, 1979, retirement of Mr. Hoyt Webb as Tallapoosa County Agent-Coordinator with the Auburn University Extension Service concluded a 32-year career distinguished by excellence; and

WHEREAS, spanning more than three decades, the tenure of Agent-Coordinator Webb is marked by outstanding achievement and recognition by his peers; he held every office in the county agents association and in 1976 was honored by election to the presidency of the Alabama Association of County Agricultural Agents; and

WHEREAS, Mr. Webb, in addition to his responsibilities with the Extension Service, has for many years assumed further responsibility for service through voluntary efforts in his community; he is active with Camp ASCCA of the Alabama Society of Crippled Children and Adults, with the Magic Crescent Area Chamber of Commerce, has served as one of two representatives for the National Easter Seals Society and is a long-time member of the First United Methodist Church and the American Legion; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Charles Hoyt Webb of Dadeville, Alabama, on his prestigious career with the Auburn University Extension Service, and we further express our deep appreciation for his many outstanding contributions in voluntary service to his community and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Webb as a token of our esteem and in praise of his responsible and conscientious citizenship.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hall (with notice and proof):

S. 409. Relating to Jefferson County; to provide for the membership of any personnel board established for the supervision and administration of any county-wide civil service system for the county.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 409, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Bailey:

S. 410. To amend Section 5-19-21 of the Code of Alabama 1975 which grants broad rule making power under the "Mini-Code" to the state superintendent of banks so as to transfer certain regulatory powers relating to credit life insurance transactions to the state insurance commissioner.

Committee on Banking and Insurance.

By Mr. Hall (with notice and proof):

S. 411. To remove certain property from within the city limits of Birmingham in Jefferson County.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 411, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. deGraffenried:

S. 412. To provide for the identification of leaf vegetable material commonly known as marihuana for misdemeanor cases by qualified law enforcement officers; to provide for an adequate training program to be offered by the department of forensic sciences for training selected personnel in the reliable, proven procedures to identify leaf marihuana; to provide for the issuance of certificates to those officers satisfactorily completing the required training and for continued monitoring of the program by the department; to provide for the admissibility of the testimony of such qualified officer into evidence by a court hearing misdemeanor charge involving marihuana; and to provide for further testing of the vegetable material in question when parties to the cause may so request.

Committee on Judiciary.

By Mr. Britnell:

S. 413. To provide that before certain institutions of higher learning are created, abolished or merged with other institutions, the legislature must approve such action.

Committee on Education.

By Mr. Callahan:

S. 414. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

Committee on Health and Welfare.

By Mr. St. John:

S. 415. To amend Section 2 of Act No. 79-542, S. 258 of the 1979 Regular Session of the Legislature which Act extensively amended certain sections of the "Sunset Act of 1976," so as to postpone the effective date of such Act until the tenth day of the 1981 Regular Session of the Legislature.

Committee on Governmental Affairs.

By Mr. Glass:

S. 416. To provide that no employer may knowingly hire an alien who is not entitled to lawful residence in the United States and provides penalties for violation of this act.

Committee on Judiciary.

By Mr. McDonald:

S. 417. To amend section 15-22-28 of the Code of Alabama 1975 relating to parole and eligibility of certain inmates for parole, so as to provide new standards of eligibility of inmates for parole; to provide further for parole procedures; specifically to repeal sections 14-9-1, 14-9-2, and 14-9-20 through 14-9-25 of the Code of Alabama 1975 relating to deductions of sentences and commutation of sentences; and to repeal any other laws or parts of laws in conflict with the provisions of this act.

Committee on Judiciary.

By Mr. Barron:

S. 418. To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald:

S. 419. To amend Section 41-20-10, Code of Alabama 1975, which provides for the order of business in both houses of the legislature, so as to provide further for the order of business on the tenth legislative day and thereafter and to provide for its retroactive effect.

Committee on Rules.

By Mr. White:

S. 420. To provide that the victim of a crime may remain in the courtroom and sit at the counsel table during the trial of the person accused of said crime unless it would unduly prejudice the defendant.

Committee on Judiciary.

By Mr. St. John:

S. 421. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials

authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis use, and to appropriate the estimated ending balance in the Alabama Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Committee on Finance and Taxation.

By Mr. St. John:

S. 422. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

Committee on Finance and Taxation.

By Mr. St. John:

S. 423. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Committee on Finance and Taxation.

By Mr. St. John:

S. 424. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor.

Committee on Finance and Taxation.

By Mr. St. John:

S. 425. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Committee on Finance and Taxation.

By Messrs. Callahan and White:

S. 426. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and

for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

Committee on Finance and Taxation.

By Mr. St. John:

S. 427. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session and for other emergency and crises use, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Committee on Finance and Taxation.

By Messrs. Proctor, Parsons and Little:

S. 428. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Committee on Finance and Taxation.

By Mr. Little:

S. 429. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 430. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Committee on Finance and Taxation.

By Messrs. Mitchem and Lemaster:

S. 431. To make an appropriation for capital outlay, support and maintenance of the Kate Duncan Smith DAR School at Grant, Alabama.

Committee on Finance and Taxation.

RESOLUTIONS

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 69. RELATING TO THE ORDER OF BUSINESS IN THE SENATE AND HOUSE OF REPRESENTATIVES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the order of business in the Senate and House of Representatives on this the tenth legislative day of this the 1980 Regular Session of the Alabama Legislature, on this the sixth of March, 1980, and for each legislative day thereafter, shall be the order of business provided for in the duly adopted rules and joint rules of the Senate and House of Representatives, the provisions of Sections 41-20-1 through 41-20-16 and particularly the provisions of Section 41-20-10 to the contrary notwithstanding.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. St. John offered the following Senate Resolution, to-wit:

S. R. 70. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO THE PROCEDURE IN THE TWO HOUSES OF THE LEGISLATURE.

WHEREAS there are pending or have just been adopted in both Houses of the Legislature, S. J. R. 69 which relates to the order of business of both Houses of the Legislature on the Tenth Legislative Day, and both of these resolutions conflict with provisions of the Alabama Sunset Law of 1976, as amended, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, and particularly Section 41-20-10; Now therefore

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the proper procedure of the two Houses of the Legislature:

1. In view of the fact that Section 53 of the Constitution of Alabama specifically delegates to each House of the Legislature the power to prescribe the rules of its procedure, but does not stipulate the form in which such rules may be guised, does the latest expression of the Houses on the matter of rules of procedure, though contained in resolution form, supersede earlier rules contained in statutory form?

2. In view of the fact that the legislative power of this state vested in the Legislature by Section 44 of the Alabama Constitution is plenary, except as limited by the state or federal constitution, and there is no limitation in Alabama's Constitution on the form or the manner in which rules governing legislative procedure must be expressed, would the latest rule of legislative procedure supersede any rules theretofore prescribed, regardless of the form of the prescription?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send five true copies of the above-cited Senate Resolutions to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

Mr. White offered the following Senate Resolution, to-wit:

S. R. 71. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 320 AS SUBSTITUTED AND AMENDED.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S. B. 320, as substituted and amended, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 1 of S. B. 320, as substituted and amended, contain more than one subject and as a result conflict with Article IV, Section 45 of the Constitution of Alabama of 1901?

2. Does Section 1 of S. B. 320, as substituted and amended, change the original purpose of the original S. B. 320 and as a result conflict with Article IV, Section 61 of the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S. B. 320 with the Substitute and Amendment to the Clerk of the Supreme Court of Alabama, and to transmit the request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 66. TO SET LEGISLATIVE MEETING DAYS.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

RESOLUTIONS

Mr. Bailey offered the following Senate Resolution, to-wit:

S. R. 72. RELATING TO DEBATE ON SUNSET BILLS:

BE IT RESOLVED BY THE ALABAMA SENATE, That debate on bills of the Sunset Committee providing for continuance of an agency shall be unlimited as to time, the provisions of Sections 41-20-1 through 41-20-16 and particularly the provisions of Section 41-20-10 to the contrary notwithstanding.

Which was read and referred to the Standing Committee on Rules.

Messrs. Pearson, Figures, Clemon, Gulledege, Smith, Holmes, Martin, Bailey, Little, McDonald, Callahan, Mitchem, Parsons, Goodwin, Vacca, Keener, St. John, Denton, deGraffenried, Miller, Hall, and Cook offered the following Senate Resolution, to-wit:

S. R. 73. HONORING REPRESENTATIVE CAROLYN BROWN MOSBY OF THE INDIANA LEGISLATURE.

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 74. BE IT RESOLVED BY THE SENATE in accordance with Act 79-542 the following bills in order named shall be the special, paramount and continuing order of business:

Bill No.	Page No.	Description
S. B. 269	41	Aeronautics Dept.
S. B. 270	41	Alabama Highway Authority
S. B. 271	42	Alabama Highway Finance Corp.
S. B. 274	44	Dept. of Insurance
S. B. 275	45	State Health Planning and Dev. Agency
S. B. 282	51	AL Water Imp. Comm.
S. B. 283	51	State Bd. of Health & the state comm. on Public Health
S. B. 276	46	Mental Health Bd.
S. B. 284	52	Statewide Health Coordinating Council
S. B. 285	52	State Forestry Commission
S. B. 265	38	Radiation Control Agency
S. B. 263	37	Dauphin Island Bridge Auth.
S. B. 264	38	Alabama Turnpike Auth.
S. B. 266	39	Water Wells Standard Bd.
S. B. 267	39	State Toll Bridge Auth.
S. B. 268	40	Anatomical Bd.
S. B. 277	47	Gov. Committee on Emp. of Handicapped.
S. B. 281	50	Barbers Bd.
S. B. 273	44	Bd. of Pensions & Security
S. B. 262	36	Alabama Dairy Commission
S. B. 280	49	Alabama Dairy Commission
S. B. 278	47	Boxing & Wrestling Commission
S. B. 272	42	ABC Board
S. B. 279	48	Public Service Commission

Which was adopted.

Messrs. Hall, Vacca, and Pearson offered the following Senate Resolution, to-wit:

S. R. 75. HONORING DR. JUDY M. MERRITT, PRESIDENT, JEFFERSON STATE JUNIOR COLLEGE.

Which was adopted.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

And said Bill, S. B. 269, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Cook	Holmes	McDonald	Vacca
deGraffenried	Keener	Miller	Weeks
Denton	Kirkland	Mitchem	White
Goodwin			

—24

Nays:

—0

The Bill:

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Robertson
Barron	Harrison	Little	St. John
Britnell	Higginbotham	Martin	Smith
Cook	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White
Gulledge			

—24

Nays:

—0

The Bill:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
10th Day

423

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Barron	Higginbotham	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	White
Goodwin	Little		

—21

Nays: —0

The Bill:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	Miller	Smith
Callahan	Higginbotham	Mitchem	Taylor
Cook	Holmes	Parsons	Weeks
deGraffenried	Kirkland	Proctor	White
Denton			

—24

Nays: —0

The Bill:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Callahan	Harrison	Martin	St. John
Cook	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Kirkland	Parsons	White

—23

Nays: —0

The Bill:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Parsons	
Barron	Gulledge	Lemaster	St. John	
Britnell	Hall	Little	Smith	
Cook	Harrison	Martin	Taylor	
deGraffenried	Higginbotham	Miller	White	
Denton	Holmes	Mitchem		—22

Nays: —0

The Bill:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Barron	Harrison	Martin	St. John	
Cook	Holmes	Miller	Smith	
deGraffenried	Keener	Mitchem	Taylor	
Denton	Kirkland	Parsons	White	
Gulledge	Lemaster	Proctor		—22

Nays: —0

The Bill:

S. 276. To abolish the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, and to transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the mental health care and facilities of this state; providing that such responsibilities and certain authorities may be transferred to other individuals or to any board

formed by the governor; repealing conflicting laws and specific statutes pertaining to the Alabama mental health board, and any inconsistencies contained in Title 22, Chapter 50 and 51 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act; and providing an effective date.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 276, to-wit:

SENATE GOVERNMENTAL AFFAIRS COMMITTEE
SUBSTITUTE FOR S. B. 276

A BILL
TO BE ENTITLED
AN ACT

To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the legislature to continue the state mental health board, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 2. The state mental health board, created and functioning pursuant to Title 22, Chapters 50 and 51 of the Code of Alabama 1975, and all other provisions of law is hereby continued, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 3. Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, as amended, relating to the mental health board are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	St. John
Barron	Keener	Mitchem	Smith
Britnell	Kirkland	Parsons	Taylor
Cook	Lemaster	Proctor	Teague
deGraffenried	Little	Robertson	White
Hall	Martin		

—21

Nays:

—0

And said Bill, S. B. 276, as thus amended by the substitute was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson
Barron	Harrison	Martin	St. John
Britnell	Holmes	Miller	Smith
deGraffenried	Keener	Mitchem	Taylor
Denton	Kirkland	Parsons	Teague
Goodwin	Lemaster	Proctor	White
Gulledge			

—24

Nays:

—0

The Bill:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment

Yeas 23; Nays 0.

Yeas:

Messrs.:	Glass	Keener	Proctor
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Harrison	Martin	Taylor
Cook	Higginbotham	Mitchem	Teague
Denton	Holmes	Parsons	White

—23

Nays:

—0

The Bill:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons
Bailey	Hall	Lemaster	Proctor
Barron	Harrison	Little	St. John
Britnell	Higginbotham	Martin	Smith
Denton	Holmes	Miller	Taylor
Glass	Keener	Mitchem	White
Goodwin			

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 66. TO SET LEGISLATIVE DAYS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 66, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. J. R. 66

S. J. R. 66. TO SET LEGISLATIVE DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT H. J. R. 34, Regular Session 1980, is hereby repealed.

PROVIDED FURTHER, That when the legislature adjourns on Thursday, March 6, 1980, the legislature adjourns to meet again on Tuesday, March 11, 1980, and on Wednesday, March 12, 1980, and on Thursday, March 13, 1980.

BILLS ON THIRD READING RESUMED

The Bill:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Bailey	Gulledge	Martin	St. John
Barron	Holmes	McDonald	Smith
Britnell	Keener	Miller	Taylor
Cook	Kirkland	Mitchem	Teague
Denton	Lemaster	Parsons	Vacca
Glass			

—24

Nays:

—0

The Bill:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Figures	Kirkland	Proctor	White
Glass			—28

Nays: —0

The Bill:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Glass	Martin	St. John
Bailey	Hall	Miller	Smith
Barron	Holmes	Mitchem	Taylor
Clemon	Keener	Parsons	Teague
Cook	Kirkland	Proctor	Weeks
deGraffenried	Lemaster	Robertson	White
Denton			—24

Nay: Mr. Little. —1

The Bill:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Section 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matter, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
10th Day

429

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons
Callahan	Gulledge	Little	St. John
Cook	Harrison	Martin	Smith
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	White
Glass	Kirkland		

—21

Nays: —0

The Bill:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

was taken up.

Mr. Little offered the following amendment to the Bill, S. B. 267, to-wit:

AMENDMENT TO S. B. 267

Amend Senate Bill No. 267 Page 2 Line 15, by striking out the year "1980" and insert in lieu thereof the year "1982".

On motion of Mr. Parsons, said amendment was laid on the table.

And said Bill, S. B. 267, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	White
Denton	Kirkland		

—21

Nay: Mr. Little. —1

The Bill:

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Martin	Teague	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Keener	Robertson	White	
Denton	Kirkland			—21

Nays: —0

The Bill:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Britnell	Harrison	Martin	Teague	
Callahan	Holmes	Parsons	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—21

Nays: —0

The Bill:

S. 281. To repeal Sections 34-5-1 through 34-5-16, as amended, of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners, and to provide for an effective date.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 281, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 281

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Board of Barber Examiners; and relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Secion 34-5-1 through 34-5-16 as amended, of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based on its review and evaluation of the said board, the Sunset Committee voted to recommend the continuance of the Board of Barber Examiners, created and functioning pursuant to Section 34-5-1 through 34-5-16 of the Code of Alabama 1975, as amended, and hereby recommends the continuance of the said agency and the continuance of all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, as amended, which relate to the regulation of barbers, are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective on October 1, 1980.

Messrs. Denton, Miller, Cook, Hall, and Britnell offered the following substitute for the Committee substitute for the Bill, S.B. 281, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR S. B. 281

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Board of Barber Examiners provided for in Section 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; repealing said Sections 34-5-1 through 34-5-16 which relate to the present board of barber examiners, and providing further for the licensing and practice of barbering and barber colleges; creating a new board of barber examiners; and providing penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Section 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission with a complete re-organization of the present board of barber examiners, and to repeal Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, under which the present board operates.

Section 3. The existence and functioning of the Alabama Board of Barber Examiners is hereby continued as herein provided in Sections 4 through 19.

Section 4. "The Practice of Barbering" as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally.

Section 5. No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the Board of Barber Examiners.

No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter has a certificate of registration as a registered barber or apprentice, issued by the Board of Barber Examiners.

No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop. No barber shop will have more than three apprentice barbers at one time.

Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

Students entering barber school must register with the State Barber Board and furnish current health certificate, and pay application fee of five dollars (\$5.00).

The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under the rules prescribed by the said board and shall include both practical demonstrations, written and oral test in reference to the practices for which a license is applied and such related studies as subjects for which a license is applied and such related studies or subjects as the board may determine necessary for the proper and efficient performance of such practices.

Section 6. Any person who can establish within six (6) months after the passage of this act that he is a barber or an apprentice as defined under this act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this act. This section will not be construed to mean anyone except the barbers now practicing in the State of Alabama and instructors in barber colleges under the State Vocational Schools.

All instructors operating under the State Vocational Schools shall be exempt from qualifying fees. The instructors shall receive an instructors certificate by paying the annual renewal fee as this act prescribes. All future instructors will be subject to all provisions of this act relating to instructors or assistant instructors.

All state operated barber colleges shall be exempt from fees.

Section 7. No person shall act as instructor or assistant instructor in a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor or an assistant instructor at the barber college unless he has a current and valid certificate of registration as an instructor or assistant instructor, issued by the Board of Barber Examiners.

The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all the following:

(1) He files an application with the board in such form as it may prescribe, accompanied by the required fee.

(2) He is of good moral character and temperate habits.

(3) He holds a diploma evidencing successful completion of high school, or has the equivalent education determined by an examination conducted by the board and approved by the Vocational Educational Division of the Department of Education.

(4) He has held a valid certificate of registration as a barber in Alabama and has practiced barbering in Alabama for at least the last three years before issuance of the instructor's certificate.

(5) He has graduated from a barber college in a course embracing all the theory and scientific manipulation taught in barber schools.

(6) He satisfactorily passes an examination conducted by the board to determine his fitness to be an instructor.

(7) All instructors and assistant instructors must complete a forty (40) hour advanced training course semi-annually. This course will be under the supervision of the State Barber Board.

Assistant instructors must comply with each of the above requirements in order to obtain a certificate of registration as an assistant instructor except that they need have held a barber's certificate and practiced barbering in Alabama for only 18 months prior to the issuance of the assistant's certificate of registration.

Section 8. No person shall be admitted to examinations or receive a license to practice barbering under this act, except as otherwise provided in this act, unless such person shall possess the following qualifications:

(1) He shall pay the original licensing fee as hereinafter provided for;

(2) He is at least 18 years of age;

(3) He is of good moral character and temperate habits;

(4) He has practiced as a registered apprentice in Alabama for not less than eighteen (18) months under the immediate supervision of a registered barber; and

(5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice barbering.

Any applicant for such a certificate of registration who fails to satisfactorily pass an examination conducted by the board shall have the right to apply again for another examination after a period of six (6) months and he may continue to apply every six (6) months thereafter until he has passed such examination, provided he has practiced as an apprentice during said time.

No person shall be admitted to examination or receive a license as an apprentice under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

- (1) He shall pay the original licensing fee as hereinafter provided for;
- (2) He is at least 16 years of age;
- (3) He is of good moral character and temperate habits;
- (4) He has graduated from a barber college or school of barbering approved by the board; and
- (5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice as a registered apprentice.

Section 9. As used in this act, "Barber College" includes a school of barbering, college of barbering, barber school, and any other place or institution for the instruction or training of persons in the practice of barbering.

No person shall operate a barber college unless he holds a certificate of registration in good standing therefor issued by the board and unless such certificate is displayed at all times in a conspicuous place on the premises.

The board shall issue a certificate of registration for each college which complies with this act and regulations of the board.

An applicant for a certificate of registration to operate a barber college shall file an application with the board in such form as the board may prescribe, accompanied by the fee required by this act. Upon receipt of the application, the board shall require the applicant, if an individual, or if the applicant is a firm partnership or corporation, a partner or officer thereof, to appear personally before the board and submit information, in such form as the board may by regulation prescribe, showing:

- (1) The location of the proposed college and its physical facilities and equipment;
- (2) The proposed maximum number of students to be trained at one time and the number of instructors to be provided;
- (3) The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;
- (4) The financial ability of the applicant to operate the college in accordance with the requirements of this act and the regulations of the board; and
- (5) Such other information as the board considers necessary.

Prior to the issuance of the certificate, the board or its representative shall inspect the college and shall determine that it complies with this act and the regulations of the board. Before making such inspection, the board may require the applicant to furnish such evidence as is necessary to show compliance with any local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

Section 10. For the purposes of the act and the regulations of the board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a barber college, and a separate certificate shall be required for each. However, facilities at which the practice of barbering or any part thereof is taught which was operated or maintained

by a college in the same central area as the main establishment of the college shall not be deemed for the purposes of this act, to be a separate college. No such facility shall be operated or maintained by a college until and unless each has been inspected and approved by the board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this act paid and a certificate to operate and maintain the particular facility is issued by the board.

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located, giving particular consideration to:

- (1) The economic character of the community;
- (2) The adequacy of existing barber shops and barber colleges in that community;
- (3) The ability of the community to support the proposed barber college;
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities;
- (5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities; and
- (6) The expressed opinion of the registered barbers in the area of the proposed college, as evidenced in person or by written petition to the board.

No barber college shall be approved by the board unless it requires as a prerequisite to graduation a course or instruction of not less than 1500 hours. The board shall approve all hours of instructions given by any of the state educational institutions and schools.

The course of instruction shall include the following subjects: scientific fundamentals of barbering, hygiene, bacteriology; history of the head, face and neck; elementary chemistry as it relates to sterilization and asepsis, diseases of the skin, hair glands, and the massaging and manipulation of the muscle of the body above the seventh cervical vertebra; hair cutting and shaving; and tinting of the hair.

Section 11. The board shall have the power to refuse, revoke and suspend licenses and certificates strictly in accordance with the provisions of the act upon proof of violation of any sections of the act. The members of the board shall have the power to administer oaths and shall have the power to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing on any matter which the board has the authority to investigate, and for the purpose may require the secretary of the board to issue a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or may be found which subpoenas duces tecum shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as allowed in the Circuit Court of this State. Such fees and mileage shall be paid from the fund of the board on deposit in the treasury for the use of the

board in the same manner as other expenses of the board are paid. The board must subpoena all witnesses from whom subpoena is requested by the applicant, licensee or holder of a certificate, provided, however, that such request shall be made in writing to the secretary of the board at least 10 days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate, and execution may issue therefor in civil cases in the circuit courts of this state.

The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices of professions set forth in this act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this act. Provided, however, the board shall not on any of the grounds in this section stated, refuse to issue or renew any license or certificate nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least 20 days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business.

Findings made by the board are deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given an aggrieved party, said aggrieved person shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery County. In event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The circuit court shall have the right to affirm, reverse or affirm in part or reverse in part the finding of the board and shall render such final judgment as to the court may seem just and proper.

In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

Section 12. The holder of a certificate or license issued by said board as provided by this act, who continues in active practice of said profession within the meaning of this act, shall on or before the first day of January renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been reviewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year.

The holder of the expired certificate or license may have within three (3) years of the date of expiration, the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession.

Section 13. Any person, firm or corporation who shall engage in any of the practices designated to be within the meaning of this act, or act in any capacity wherein a certificate or license is required without a certificate or license provided in this act, or shall in any other form or manner violate any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than \$100.00 or shall be imprisoned for no more than ninety (90) days or both, and if a corporation, shall be punished by a fine of not less than \$500.00. After official notice of such violation, each day of operation or practice constitutes a separate violation.

Section 14. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this act shall be as follows:

(1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;

(2) For an examination to determine the qualification of an applicant from another state, not to exceed \$50.00;

(3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor not to exceed \$150.00;

(4) For the issuance of the initial certificate to operate a barber college, not to exceed \$500.00;

(5) For such annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$50.00;

(6) For each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;

(7) For the restoration of an expired certificate except for a barber college, not to exceed \$50.00;

(8) For the restoration of an expired certificate for a barber college, not to exceed \$100.00;

(9) For annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber or apprentice in said shop; and

(10) For the issuance of any duplicate certificate, \$3.00.

Section 15. Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

Section 16. Receipts and expenses of board. All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within the state designated by the board. Such funds shall be expended for carrying out the purpose of the act and may be withdrawn on order of the Executive Officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the Chief Examiner of Public Accounts of the State of Alabama.

Section 17. There is hereby created the Alabama Board of Examiners, to consist of five (5) persons. Such board shall be appointed by the Governor of the State of Alabama, one person appointed for the term of one year, one person for a term of two years, one person for a term of three years, one person for term of four years and one person for a term of five years and until their successors are appointed and qualified.

Each member of said board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment.

The succeeding members of said board shall serve for five (5) years. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. Said board may do all things necessary and convenient for enforcing the provisions of this act. They may from time to time promulgate necessary rules and regulations compatible with the provisions of this act, and the State Board of Health.

The members of the board shall annually elect from among their numbers a president, a vice-president and appoint an executive secretary. The executive secretary need not be a member of the board. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this act. The compensation of said personnel shall be paid out of the funds received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money before entering upon the discharge of his duties, shall file with the treasurer of the State of Alabama, a good and sufficient bond in the penal sum of \$10,000, payable to the State of Alabama, to ensure the faithful performance of his or her duties as such executive secretary, and the premium of such bond shall be paid out of the funds of the board.

The executive secretary of the board shall be paid a salary as determined by the board, to be paid semi-monthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the board.

Each member of the board shall receive compensation fixed by the board, not to exceed \$60.00 per diem while engaged in the discharge of his official duties and necessary expenses plus mileage as set forth by the State of Alabama for necessary travel incurred in such official duties, not to exceed 30 days in any one calendar year.

The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operation of this act.

The board shall meet in the City of Montgomery, Alabama, on the second Monday in January, April, July and October of each year, and at such other times and places as the board may direct. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts.

The said board shall keep a permanent record of its proceedings. It shall keep a register of applications for certificate or license showing the name and location of his or her place of occupation or business and whether the applicant was granted or refused a license. The books and records of the board shall be prima facie evidence of the matters therein contained, which constitutes public records and shall at all reasonable times be open for public inspection.

The State Board of Barber Examiners shall work with, seek the advice and cooperate with the State Health Department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the State of Alabama.

The State Board of Examiners shall work with, seek the advice and cooperate with the State Department of Education on matters of establishing education of applicants for barber schools or applicants for apprentice license, or applicants for a certificate as a journeyman barber.

Section 18. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts, or ordinances shall remain in their entirety in full force and effect.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. Sections 34-5-1 through 34-5-16 and any other laws or parts of law in conflict herewith are hereby repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Smith, further consideration of the Bill, S.B. 281 and pending substitutes, was postponed until the next Legislative Day.

The Bill:

S. 273. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 6.

Yeas:

Messrs.:	Callahan	Martin	Taylor	
Bailey	Harrison	Mitchem	Vacca	
Barron	Kirkland	Proctor	Weeks	
Britnell	Lemaster	Smith		—14

Nays:

Messrs.:	Holmes	Little	Parsons	
Cook	Keener	Miller		—6

The Bill:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50, 2-13-56 and 2-13-64 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers, price hearings, and penalty provisions for regulation of milk and dairy products, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products, to provide for price hearings to allow a single hearing for the entire state, and to provide further for the penalty for distributors who fail to pay producers within a specified time, and to repeal existing laws.

was taken up.

Mr. Smith offered the following substitute for the Bill, S. B. 262, to-wit:

SUBSTITUTE FOR S. B. 262

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Dairy Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, with the

additional provisions to: (a) increase the maximum bonding requirement to \$200,000 for distributors, dealers, processors and handlers of milk and dairy products; (b) to authorize price hearings for the entire state in lieu of present marketing areas; and (c) to repeal conflicting laws.

Section 2. The existence and functioning of the Alabama Dairy Commission pursuant to Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, are hereby continued.

Section 3. Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 2-13-50. (a) The dairy commission shall have the power to fix minimum or maximum prices or both for fluid milk and fluid-milk products within each respective milk-marketing area at any or all points in the production-consumption sequence of transactions. Such prices shall apply to all sales in each area, whether at wholesale or retail, regardless of where the milk is produced.

"(b) The commission shall also have the power to fix minimum or maximum charges or both within each respective milk-marketing area for any service or function related to the production and marketing of milk, when such charges are involved in transactions between or among licensees.

"(c) The commission shall regularly conduct studies of all pertinent factors to determine what reasonable costs must be considered in establishing price controls most conducive to maintaining an adequate supply of wholesome milk for consumers in Alabama. For this purpose, the commission may employ independent accountants or accounting firms and authorize them to study, examine and reproduce any and all records of licensees engaged in any aspect of the milk industry in Alabama.

"(d) In fixing minimum prices for milk in its various grades and uses, the commission shall determine what reasonable costs are incurred by producers and producer associations and shall consider the relationship of supply and demand as well as other economic and logistic conditions existing in the several markets and localities throughout the state. Different minimum prices may be fixed for milk produced in different areas but sold in the same area or for milk produced in one area and sold in other areas, depending on distances involved or on other logistic or economic variables. The minimum prices established for milk in any of its forms, grades or uses shall not be higher than is reasonably necessary to cover the costs of ordinarily efficient and economic operations, plus a reasonable return on investment.

"Reasonable costs incurred by each store handling fluid-milk products in a given area may be determined by surveying a representative sample of all similar stores in the area.

"At stores handling other commodities in addition to fluid-milk products, in the absence of satisfactory evidence to the contrary, costs of handling milk may be applied on the same basis as costs applied to the business as a whole.

"(e) Before fixing prices for milk or charges for services, the commission shall hold public hearings either in the marketing area or areas affected, or, in its discretion, at a single hearing for the entire state, and hear evidence under oath relative to the prices or charges to be fixed. Notice of such hearing or hearings shall be given to interested parties, including consumers, by

announcement published in a newspaper having general circulation within the area or areas affected. Such announcement shall appear at least once, not less than 10 days nor more than 30 days prior to the date set for the hearing or hearings. Such publication shall be deemed sufficient and legal notice to all persons required by this article to be notified.

"(f) At price-control hearings, consumers shall be entitled to offer evidence and to be heard the same as persons engaged in the milk industry. In fixing prices and charges, each commissioner may consider matters within his own knowledge and within the knowledge of the commission as a whole as well as pertinent or related matters occurring in other milk-marketing areas within or outside the state. After conducting such public hearings, the commission may, at its discretion, take under advisement the evidence and matters submitted to it, deliberate in private and render a decision at a later date.

"(g) After holding such public hearings, deliberating and making such other investigation deemed advisable and after preparing a written finding of facts, the commission may issue an official order fixing reasonable prices and charges.

"(h) The commission may, upon its own initiative or upon application, from time to time, amend or revise orders fixing prices or charges, but shall hold a hearing or hearings and shall follow the same procedures as required in originally fixing the prices or charges. Such orders may be reviewed by certiorari in the same manner as other orders and regulations of the commission.

"(i) After considering evidence at a public hearing or hearings, the commission may adopt and put into full force and effect an economic formula for adjusting minimum producer prices in response to changes in pertinent economic indices. Changes in minimum producer prices resulting from application of such an economic formula shall be effective and enforceable the same as if they had been expressly set by the commission as a result of a public hearing or hearings.

"If the commission should adopt such an economic formula, it may, in the public interest, temporarily suspend application of the formula or it may amend or revoke the formula. Action to amend or revoke the formula shall be taken only after receiving evidence at a public hearing or hearings."

"§ 2-13-56. (a) For the purpose of this section, the words 'distributor,' 'producer-distributor' and 'processor' shall include subsidiaries and affiliates of a parent distributor, producer-distributor or processor, whether they are individually incorporated or are divisions of the parent organization. For the purpose of this section, the word 'principal' means any person required to file a bond with the commission.

"(b) It shall be unlawful for a distributor, producer-distributor, dealer, processor or handler to purchase, acquire or receive milk from producers on consignment or otherwise unless such person shall file with the commission a corporate surety, individual surety or collateral bond approved by the commission.

"(c) A corporate surety bond shall be executed to the state of Alabama by the principal and by a corporate surety company. An individual surety bond shall be executed to the state of Alabama by the principal and by one or more individuals, as surety or sureties, who shall have sole title to real estate, the fair value of which, free and clear or in excess of all encumbrances, shall

be at least equal to the amount of the bond. A collateral bond shall be executed to the state of Alabama by the principal setting forth therein the collateral posted with such bond and having attached thereto the collateral properly assigned and transferred to the state of Alabama. The collateral posted with such bond shall be secured by an actual deposit of money with the commission or with a bank, bank and trust company or national bank within the state of Alabama to the full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government, of this state or of any political subdivision of this state or by any other security or securities approved by the commission. The security or securities deposited shall constitute a trust fund for producers from whom the principal purchases or receives milk.

"(d) Only one bond need be filed by a parent organization to cover two or more subsidiary principals operating in Alabama.

"(e) The commission may grant to any principal the privilege of substituting for his bond, surety or collateral another bond, surety or collateral; provided, that such substitute bond, surety or collateral meets all the requirements of this section.

"(f) The bond required by this section shall be filed by the principal together with his application for license or renewal of license within the time for filing such application. The bond shall be an obligation independent of the granting of a license and shall remain in full force and effect during the designated license year as long as the principal purchases or receives milk from producers or is indebted to them for any milk delivered during the license year, whether or not a license has been granted to the principal or whether or not a license granted continues to remain in force.

"(g) Any bond filed with the commission shall become effective upon being filed, whether or not it is approved by the commission. The commission shall have no power to reject any corporate surety bond issued by a company authorized to do business in the state as surety. A bond filed with the commission shall be effective for the entire license year or for that part of the year in which the principal became engaged in the milk business. Such bond shall become ineffective during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor.

"(h) The bond shall be conditioned for payment by the principal, upon such terms and conditions as the commission may prescribe, of all amounts due under this article and the orders of the commission for milk purchased or otherwise acquired from producers by the principal during the license year. Within a reasonable time after the close of the license year, the commission shall determine if the principal has paid all amounts protected by the bond and shall then return to the principal his bond for the past license year. The commission shall have the power, in its discretion, to institute a civil action on the bond on behalf of producers with unpaid claims. Such civil action may be brought in the name of the commission or of the attorney general or of the state of Alabama or in any manner as debts are now recoverable by law.

"(i) Except as otherwise provided in this section, the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased, acquired or received by the principal from producers in any one month during the preceding calendar year; including that purchased, acquired or received from out-of-state producers for sale as fluid milk within Alabama. Value

shall be computed according to lawful prices for milk produced in Alabama and according to any applicable official prices or any lawful contract price for milk produced outside Alabama, but in no event shall the bond exceed \$100,000.00 \$200,000.00.

"(j) When required by the commission, a principal shall submit a verified statement of his disbursements and any other required information for periods prescribed by the commission. Such statements shall include the names of producers from whom milk was purchased, acquired or received, on consignment or otherwise, the amounts due producers and any other relevant facts required by the commission pertinent to the principal's surety or sureties.

"(k) If it shall appear from the principal's statement of disbursements or from facts otherwise ascertained by the commission that the principal's bond does not adequately protect the producers who supply him with milk, the commission may require the principal to furnish an additional bond, additional surety or additional security for a collateral bond in a sum to be determined by the commission. Such sum shall not exceed 50 percent of the value of the highest aggregate amount of milk purchased, acquired or received, on consignment or otherwise, by the principal from producers in any one month during the preceding or current year, which value shall be computed according to the prices applicable, or such sum shall not exceed 50 percent of the amount found to be due and owing to producers by the principal on a particular date determined by the commission, whichever sum is greater. The total increase, however, shall not exceed \$50,000.00. If the principal involved pays producers in full each week, the total increase shall be not more than 25 percent of the value of milk or the amount owed, whichever is greater, not to exceed \$25,000.00.

"(l) The commission may grant a reduction of the bond or the collateral or release an additional surety if it appears that, owing to a decrease in demand or to other factors, such a reduction in bond, surety or collateral will still leave producers adequately protected.

"(m) All bonds, together with any moneys or securities given as collateral therefor, received by the commission from principals pursuant to the provisions of this section shall be transmitted by the commission to the state treasurer for safekeeping, subject to withdrawal in whole or in part at any time by the commission.

"(n) The principal shall be entitled to all moneys received by the state treasurer as interest or dividends upon any security or securities deposited by the principal as collateral, except if the commission has on file a valid, unpaid claim of a producer against the principal.

"(o) The commission shall prescribe the procedure for the payment, out of the proceeds of any bond or collateral required by this section, of the amounts due to producers and others for sales or deliveries of milk to the principal. If the proceeds of a principal's bond or collateral are insufficient to pay in full all valid claims, the proceeds shall be divided pro rata among the claimants.

"(p) A cooperative agricultural association or corporation organized under the laws of Alabama, or an association organized under the laws of Alabama in which producers hold membership or an association organized under the laws of Alabama which holds written authority from producers to act as agent or representative in purchasing or marketing producer milk

shall be deemed a producer within the provisions of this section and shall be entitled to its benefits. Such an association or corporation, if operated for the benefit of producers under contract with it and not conducted for profit, shall not be required to file a bond under the provisions of this section."

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Robertson	Vacca
Denton	Kirkland	St. John	White
Goodwin	Lemaster		

—21

Nays: —0

And said Bill, S. B. 262, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Little	Taylor
Barron	Harrison	Martin	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Robertson	Weeks
Cook	Kirkland	St. John	White
deGraffenried	Lemaster	Smith	

—22

Nays: —0

The Bill:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Little	Taylor
Barron	Hall	Martin	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
deGraffenried	Lemaster	Smith	

—22

Nays: —0

The Bill:

S. 278. To repeal sections 41-9-90 through 41-9-95 inclusively and sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to transfer all equipment of the terminated commission to the commissioner of revenue within 30 days following enactment of this bill.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 278, to-wit:

COMMITTEE AMENDMENT TO S.B. 278

Amend Senate Bill 278, page 5, Section 5, lines 16, 17, 18, 19 and 20 to read as follows:

"All furniture and equipment belonging to the discontinued Commission, after an appraisal by a representative of the State Property Division and a representative of a reputable office supply and equipment company shall be offered for sale to the American Legion, Department of Alabama within thirty (30) days following the enactment of this bill. All supplies and other belongings of the discontinued Commission shall be transferred by the Commission within thirty (30) days following the enactment of this bill to the Department of Revenue Commissioner."

On motion of Mr. Smith, said amendment was laid on the table.

Mr. Smith offered the following substitute for the Bill, S.B. 278, to-wit:

SUBSTITUTE FOR S. B. 278

A BILL TO BE ENTITLED AN ACT

To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its

duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama boxing and wrestling commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the termination of the said agency created and functioning pursuant to Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126 of the Code of Alabama 1975, and hereby recommends the termination of the said agency and the repeal of said provisions of law pertaining thereto. The committee further voted to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to: (a) retain such licenses, fees and taxes; (b) to require the commissioner of revenue to collect such taxes and distribute the net proceeds equally between the state general fund and the American Legion, department of Alabama. The committee further voted to require the terminated commission to transfer all equipment, supplies and belongings of the commission to the department of revenue commissioner within 30 days following enactment of this bill.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act, except as otherwise provided herein.

Section 3. Sections 41-9-90 through 41-9-95 inclusively and 41-9-97 through 41-9-126 inclusively of the Code of Alabama 1975, which relate to the Alabama boxing and wrestling commission are hereby repealed effective 60 days after the effective date of this act, provided, however, that Section 41-9-91, Code of Alabama 1975, is hereby amended to read as follows:

"§41-9-91.

"The chairman and each member of the commission shall serve as such without salary, but shall receive, while engaged in the performance of his duties, a per diem of \$10.00 per day. The chairman of the commission shall be ex officio the recorder of permits and licenses. Before entering upon the duties of his office, the chairman of the commission shall execute to the state of Alabama, for the faithful performance of his duties, a bond, to be approved by the governor, in the amount of \$5,000.00. One half of all moneys collected for the service of recording permits and licenses shall be paid to the American Legion, department of Alabama, to be used in its programs.

"Compensation and expense of members.—The chairman and each member of the commission shall serve as such without salary, but shall receive his actual expenses while engaged in the performance of his duties, and a per diem of ten dollars per day. The chairman of the commission shall be ex officio the recorder of permits and licenses and for such service one-half of all moneys collected shall be paid to the American Legion, department of Alabama, to be used in their programs."

Said amendment shall be retroactive to October 31, 1977, and any actions taken or payments made in accordance with the provisions of said section as herein amended since said date are hereby ratified, validated and confirmed.

It is the intention of the legislature by this action to waive all debts incurred by the American Legion to the state regarding the disposition of funds collected by the Boxing and Wrestling Commission between October 31, 1977 and present.

Section 4. Section 41-9-96, Code of Alabama 1975, is hereby amended to read as follows:

§41-9-96.

"(a) The commission commissioner of the revenue department, hereinafter called 'commissioner,' shall have full power and authority and it shall be its his duty, through the recorder of permits and licenses, to collect:

"(1) A fee of \$1.00 for every permit or license to hold a boxing, sparring or wrestling match or exhibition;

"(2) Seventeen and one-half percent of the gross receipts from admissions to every boxing, sparring or wrestling match or exhibition plus 10 percent of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such matches or exhibitions;

"(3) Ten percent of the gross admission charges to a club, theatre or other place where a televised showing of a boxing, sparring or wrestling match or exhibition which is taking place in another area or place may be viewed by means of closed circuit television; and, for the purposes of paying and collecting this tax, any person, firm, association or corporation which charges or collects admission fees to view such televised matches or exhibitions shall be subject to the provisions of this article section relative to the payment of licenses; and to rules and regulations of the commission relative to reporting of times of proceeds derived from admissions to such showings,

"(4) A reasonable fee, to be fixed by the commission, commissioner, not exceed \$500.00 for each annual license or permit issued to a promoter;

"(5) One hundred and fifty dollars for each annual license or permit issued to a matchmaker;

"(6) Twenty dollars for each annual license or permit issued to a wrestler, manager or boxer; and

"(7) Five dollars for each annual license or permit issued to a referee, judge, ticket seller, announcer, trainer, second, medical examiner, ticket taker, director, or timekeeper.

"(b) Nothing in this articles shall be construed as permitting, authorizing or enjoining the commission commissioner, or his authorized agent, to collect any license, permit fee or tax for any amateur boxing, sparring or wrestling matches or exhibitions held under the auspices of educational institutions when the proceeds of such are to be used to foster, aid or abet programs of education in the state of Alabama, or when the same are held under the auspices, rules and regulations of any national amateur athletic association or union, but no exemption from license, permit fee, tax or charges shall be granted to any person, group of persons or organization for such amateur boxing, sparring or wrestling matches or exhibitions when the proceeds or any part thereof are for personal or private gain.

"(c) The commission commissioner, or his authorized agent, shall collect from all patriotic organizations chartered by authority of a special act of the congress of the United States or local units thereof, which have been in existence and held meetings at regular intervals for one year immediately preceding the issuance of the permit, to whom a license or permit is issued, 10 percent of the gross receipts of every boxing, sparring or wrestling match conducted or sponsored by such an organization, in lieu of the 17-1/2 percent provided for in subdivision (2) of subsection (a) of this section, in addition to other licenses and fees as are herein provided."

"(d) After first paying all operating expenses incurred in the collection of such fees, licenses and taxes, the commissioner shall distribute, on or before January 15 of each year, all proceeds and monies received therefrom as follows:

"(a) One-half (1/2) to the state general fund; and

"(b) One-half (1/2) to the American Legion, department of Alabama, for use in their programs in service to the people of the state of Alabama."

Section 5. All furniture and equipment belonging to the discontinued commission, after an appraisal by a representative of the State Property Division and a representative of a reputable office supply and equipment company shall be offered for sale to the American Legion, department of Alabama, within thirty (30) days following the enactment of this bill. All supplies and other belongings of the discontinued commission shall be transferred by the commission within thirty (30) days following the enactment of this bill to the Department of Revenue Commissioner.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Barron	Holmes	Miller	Taylor
Cook	Keener	Parsons	Teague
deGraffenried	Kirkland	Proctor	Vacca
Goodwin	Lemaster	Robertson	White
Hall	Little	St. John	

—22

Nays: —0

And said Bill, S.B. 278, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

Yeas:

Messrs.:	deGraffenried	Kirkland	Parsons
Barron	Goodwin	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Harrison	Martin	Teague
Cook	Holmes	Miller	Vacca

—19

Nay: Mr. St. John —1

The Bill:

S. 272. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the retail sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators, the administrator of the Alabama Alcoholic Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in retail sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; of authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board, to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S.B. 272, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 272

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Alcoholic Beverage Control Board. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said authority, created and functioning pursuant to Title 28 of the Code of Alabama 1975, and as otherwise provided by law and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Title 28 of the Code of Alabama 1975, and other provisions of law relating to the Alabama Alcoholic Beverage Control Board are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Cook offered the following substitute for the Committee substitute for the Bill, S. B. 272, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR S. B. 272

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise, provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators of the Joint Sunset Committee, the administrator of the Alabama Alcoholic Beverage Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Alcoholic Beverage Control Board. Based on

its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said board, created and functioning pursuant to Title 28 of the Code of Alabama 1975, with the additional provisions: Provide for the sale of alcoholic beverages by private businesses; provide for a commission composed of legislators, the administrator of the Alabama Alcoholic Beverage Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in sales of alcoholic beverages; establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; establish the alcoholic beverage licensing code; further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the Alcoholic Beverage Control Board; provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; authorize the sale of alcoholic beverages by the licensees of the board; prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; provide for punishment for crimes; and repeal specific laws or parts of laws in conflict herewith.

Section 2. The existence and functioning of the Alabama Alcoholic Beverage Control Board pursuant to Title 28 of the Code of Alabama 1975, except as directly or indirectly herein modified or repealed, are hereby continued.

Section 3. The following provisions, relating to intoxicating liquor, malt beverages and wine shall be incorporated into Title 28 of the Code of Alabama 1975:

"Section 1. Definitions.—The following words and phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) **ALCOHOLIC BEVERAGES.** Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

(i) Alcohol does not include denatured or wood alcohol.

(b) **ASSOCIATION.** A partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

(c) **BEER.** Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume and not in excess of four percent alcohol by weight and five percent by volume, by whatever name the same may be called.

(d) **BOARD.** The Alcoholic Beverage Control Board.

(e) **CARTON.**—The package of container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer.

CONTAINER.—The single bottle, can, keg, bag or other receptacle, not a carton, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer and from which the alcoholic beverage is consumed by or dispensed to the public.

(f) **CLUB.** A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

(g) **CORPORATION.** A corporation or joint stock association organized under the laws of this state, the United States, or any other state, territory or foreign country, or dependency.

(h) **DRY COUNTY.** Any county which by a majority of those voting voted in the negative in an election heretofore held under the applicable statutes at the time of said election or may hereafter vote in the negative in an election or special method referendum hereafter held in accordance with the provisions of Chapter 2, Title 28 of the Code of Alabama 1975 or held in accordance with the provisions of any act hereafter enacted permitting such election.

(i) **DRY MUNICIPALITY.** Any municipality within a wet county which has, by its governing body or by a majority of those voting in a municipal election heretofore held in accordance with the provisions of § 28-2-22, Code of Alabama 1975, or in a municipal option election heretofore or hereafter held in accordance with the provisions of any act heretofore or hereafter enacted permitting municipal option election, voted to exclude the sale of alcoholic beverages within the corporate limits of said municipality.

"(j) **GENERAL WELFARE PURPOSES.** (1) The administration of public assistance as set out in §§ 38-2-5 and 38-4-1, Code of Alabama 1975; (2) services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said §§ 38-2-5 and 38-4-1, Code of Alabama 1975; (3) service to and on behalf of dependent, neglected or delinquent children; and (4) investigative and referral services to and on behalf of needy persons.

"(k) **HEARING COMMISSION.** A body appointed by the board to hear and decide all contested license applications and all disciplinary charges against any licensee for violation of this Act or the regulations of the board.

"(l) **HOTEL.**—A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boarding house.

"(m) **IMPORTER.**—Any person, association or corporation engaged in importing alcoholic beverages, liquor, wine or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

"(n) **LIQUOR.** Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer.

"(o) **LIQUOR STORE.** A liquor store operated by the board, where alcoholic beverages other than beer are authorized to be sold in unopened containers.

"(p) **LIQUOR WHOLESALER.** One who distributes wholesale, or acts as a jobber for the sale of alcoholic liquor to the board, or as authorized by the board. It does not include table wine and beer.

"(q) **MANUFACTURER.** Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state or for sale or distribution in this state or to the board or to a licensee of the board.

"(r) **MINOR.** Any person under nineteen years of age.

"(s) **MUNICIPALITY.** Any incorporated city or town of this state.

"(t) **PERSON.** Every natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, such term as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

"(u) **POPULATION.** The population according to the last preceding or any subsequent decennial census of the United States, except where a municipality is incorporated subsequent to the last census, in which event, its population until the next decennial census shall be the population of said municipality as determined by the judge of probate of said county as the official population on the date of its incorporation.

"(v) **RESTAURANT.** A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises. **MEAL.** A diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

"(w) **RETAILER.** Any person licensed by the board to engage in the retail sale of any alcoholic beverages to the consumer.

"(x) **SALE or SELL.** Any transfer of liquor, wine or beer for a consideration, and any gift in connection with, or as a part of a transfer of property other than liquor, wine or beer for a consideration.

"(y) **UNOPENED CONTAINER.** A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

"(z) **WET COUNTY.** Any county which by a majority of those voting voted in the affirmative in an election heretofore held in accordance with the statutes applicable at the time of said election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with the provisions of Chapter 2 of Title 28, Code of Alabama 1975 or other statutes applicable at the time of said election.

"(aa) **WET MUNICIPALITY.** Any municipality in a dry county which by a majority of those voting voted in the affirmative in a municipal option election heretofore or hereafter held in accordance with the provisions of any act heretofore, now or hereafter enacted permitting municipal option election, or which became wet under the special method referendum provisions of § 28-2-22, Code of Alabama 1975 or of this Act where the county has become dry subsequent to the wet status of the municipality.

"(bb) **WHOLESALE.** Any person licensed by the board to engage in the sale and distribution of table wine and beer, or either of them, within this state, at wholesale only, to be sold by export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only.

"(cc) **WINE.** All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four (24) percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products. **FORTIFIED WINE.** Any wine containing more than fourteen (14) percent alcohol by volume but not more than twenty-four (24) percent. **TABLE WINE.** Any wine containing not more than fourteen (14) percent alcohol by volume.

"(dd) Unless the context clearly indicates otherwise, the term 'license' and the term 'permit' as used herein shall be interchangeable and shall mean that privilege permitted by the State of Alabama for the sale of alcoholic beverage for a stated period.

"Section 2. There is hereby created a commission, composed of the administrator of the Alabama Alcoholic Beverage Control Board, the said Board and legislators of the Joint Sunset Committee, to establish the criteria, the time table and the manner for the board to be phased out of sales activity of alcoholic beverages and establish the free enterprise system therefor. The commission shall be known as the 'ABC Transitional Coordinating Commission,' hereinafter referred to as the 'commission.' It is the legislative intent that this transitional period shall be used to orderly transfer the sale of alcoholic beverages to private businesses.

"Section 3. Each county of the state now designated a 'wet county' and each county now designated a 'dry county' shall remain wet or dry as the case may be until such designation is changed in an election held for that purpose in accordance with provisions of Title 28, Section 2 of the Code of Alabama 1975.

"Section 4. Nothing in this Act shall be construed to repeal any laws applicable to dry counties with respect to the manufacture, importation, distribution, sale or possession in those counties of illicit liquors as defined by Section 28-4-1 of the Code of Alabama 1975.

Section 5. The issuance of any permits or license, the adoption of and promulgation of necessary rules and regulations regulating such licensing and the enforcement thereof, relating to the manufacture, importation, sale and purchase of any alcoholic beverages shall be administered by the Alabama Alcoholic Beverage Control Board. No employee of the board of commission shall, directly or indirectly, have any interest whatsoever in manufacturing, importing, selling, transporting, distributing, storing, or otherwise dealing in alcoholic beverages, except in the performance of his official duties.

"SECTION 6. Licenses to engage in alcoholic beverage transactions.—Subject to the provisions of this Act and regulations promulgated thereunder, the board is authorized and empowered to issue and renew licenses to reputable and responsible persons for the following purposes:

"(a) To manufacture, brew, distill, ferment, rectify, bottle or compound any or all alcoholic beverages within or for sale within this state.

"(b) To import any or all alcoholic beverages manufactured outside the United States of America into this state or for sale or distribution within this state.

"(c) To distribute, wholesale or act as jobber for the sale of alcoholic liquor.

"(d) To distribute, wholesale or act as jobber for the sale of table wine and beer or either of them, to licensed retainers within the state and others within this state lawfully authorized to sell table wine or beer.

"(e) To store or warehouse any or all alcoholic beverages for transshipment outside the state.

"(f) To sell and dispense at retail in a lounge, liquor and other alcoholic beverages for on-premises consumption.

"(g) To sell and dispense at retail in an establishment habitually and principally used for the purpose of providing meals for the public, liquor and other alcoholic beverages for on-premises consumption.

"(h) To sell liquor and wine at retail for off-premises consumption.

"(i) To sell and dispense at retail in a club, liquor and other alcoholic beverages for on-premises consumption.

"(j) To sell table wine at retail for off-premises consumption.

"(k) To sell table wine at retail for on-premises and off-premises consumption.

"(l) To sell beer at retail for on-premises and off-premises consumption.

"(m) To sell beer at retail for off-premises consumption.

"(n) To sell liquor and other alcoholic beverages at retail by public service companies.

"(o) To sell any or all alcoholic beverages at retail under special license issued conditioned upon terms and conditions and for the period of time prescribed by the board.

"(p) To sell any or all alcoholic beverages at retail under a special event retail license issued for three days upon the terms and conditions prescribed by the board.

"Provided, however, that such licenses may not be issued in dry counties where traffic in alcoholic beverages is not authorized by law, but may be issued in wet municipalities therein. The board is granted broad discretionary powers in acting upon license applications under the provisions of this Code.

"Licenses issued under this Code shall, unless revoked or suspended in the manner provided in this Code, be valid for the license year which shall begin on the 1st day of October of each year, unless otherwise established by this Code or by the board. Licenses may be issued at any time during the year.

"SECTION 7. License application.—Every applicant for an original license issued under this Code shall file a written application with the board in such form and containing such information as the board may prescribe, which shall be accompanied by a non-refundable filing fee of \$50.00, and by the appropriate license fee as prescribed by this Code, together with the amount or amounts of the prescribed license fee or fees, if any, levied or imposed by the county governing body. The filing fee shall not be required for any renewal of the same type of license to the same person.

"SECTION 8. Issuance and Renewal.—Upon receipt of the application, the proper fees, the bond if required, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to applicant the appropriate license entitling the applicant to engage in the alcoholic beverage transactions authorized by such license as set forth in this Act. All applications for licenses and accompanying statements shall be kept in the office of the board for a period of three years and shall be open for public inspection.

"Licenses issued under the provisions of this Act shall be renewed annually upon the filing of applications, in such form as the board shall prescribe, at least sixty days before the expiration and upon payment to the board of the appropriate license fees, unless the board has good cause for not renewing or reissuing the license. Unless within one month prior to the scheduled date of expiration of such licenses the applicant shall have been notified by the board of objections to the granting thereof signed by persons authorized to do so, and upon payment of the required fees, the board shall issue such renewal of licenses.

"Licenses shall become due and payable on or before October first of each year or on the date established by this Act or the board for the ensuing year, and shall be delinquent if not secured each year by October twentieth or the twentieth day of the first month of the license year established by this Act or the board. If the license is not secured by October twentieth or by the twentieth day of the first month of the license year established by this Act or by the board, such person or firm failing or refusing to file application and obtain said license, as provided in this Act, while continuing to enjoy the privilege allowed under said license, shall be subject to a penalty of fifty percent of the state and county licenses fees or taxes, which penalty must be collected at the time of issuance of license or permit, and shall be paid into the license fund of the board. Unless previously revoked, every license issued by the board under this Act shall expire, and terminate on the thirtieth day of September in the year or on the last day of the month ending the license year established by this Act or by the board for which the license is issued.

"No license shall be issued or renewed by the board until the filing and license fees fixed by this Code shall have been paid to the board.

"SECTION 9. Manufacturer License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a manufacturer license which shall authorize the licensee to manufacture or otherwise distill, produce, ferment, brew, bottle, rectify or compound alcoholic beverages within this state or for sale or distribution within this state. No person shall manufacture or otherwise distill, produce, ferment, brew, bottle, rectify or compound alcoholic beverages within this state or for sale or distribution within this state or to the state, the board, or any licensee of the board, unless such person or his authorized representative shall be granted a manufacturer license issued by the board.

"No manufacturer licensee shall sell any alcoholic beverages direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such alcoholic beverages in other than original containers approved as to capacity by the board and in accordance with standards of fill prescribed by the U.S. Treasury Department, nor maintain or operate within the state any place or places, other than the place or places covered by the manufacturer license, where alcoholic beverages are sold or where orders are taken.

"Each manufacturer licensee shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in Alabama and shall file with the board their Federal Certificate of label approvals or its certificates of exemption as required by the U.S. Treasury Department. All liquors and wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

"All such manufacturer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of beer and table wine made to each wholesaler during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

"Every manufacturer shall keep at his or its principal place of business within the state, daily permanent records which shall show the quantities of raw materials received and used in the manufacture of alcoholic beverages, and the quantities of alcoholic beverages manufactured and stored, the sale of alcoholic beverages, the quantities of alcoholic beverages stored for hire or transported for hire by or for the licensee and the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary, for the detection of violations of this Act, of any law, or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall, at all times, be open to inspection by members of the board, or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

"Licenses issued under this section shall, unless revoked in the manner provided in this Act, be valid for the license year commencing January 1 of each year.

"It is expressly provided that the action of any county which elects to be a 'dry county' subsequent to the effective date of this act shall not affect the continuation or renewal of any manufacturer's license or its authorization pursuant to such permit.

"SECTION 10. Importer license.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant an importer license which shall authorize the licensee to import alcoholic beverages manufactured outside the United States of America into this state or for sale or distribution within this state of liquor and wine to the board or the state, and table wine and beer to wholesaler licensees of the board. No person shall import alcoholic beverages manufactured outside the United States into this state or for sale or distribution within this state or to the state, the board or any licensee of the board, unless such person shall be granted an importer license issued by the board.

"An importer licensee shall not sell any alcoholic beverages for consumption on the premises where sold; nor, unless issued a wholesale license, sell or deliver to any retailer; nor deliver any such alcoholic beverages in other than original containers approved as to capacity by the board, and in accordance with standards of fill prescribed by the U. S. Treasury Department; nor maintain or operate within the state any place or places, other than the place or places covered by his or its importer license, where alcoholic beverages are sold or where orders are taken.

"Each importer licensee shall be required to file with the board, prior to making any sales in Alabama, a list of its labels to be sold in Alabama and shall file with the board its Federal Certificate of Label Approvals or its Certificates of Exemption as required by the U. S. Treasury Department. All liquors and wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officers of the state of Alabama, without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

"All such importer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of beer and table wine made to each wholesaler during the preceding month and of all shipments of alcoholic beverages received during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

"The books and records of such licensee shall, at all times, be open to inspection by members of the board, or by person duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

"Licenses issued under this section shall, unless revoked or suspended in the manner provided in this Act, be valid for the license year commencing January 1 of each year.

"SECTION 11. Liquor Wholesaler License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a liquor wholesaler license which shall authorize the licensee to import and receive shipments of liquor or wine from outside the state from licensed manufacturers and to sell at wholesale or distribute liquor or wine to the board or as authorized by the board. Sales

shall be in original packages or containers as prepared for the market by the manufacturer or bottler. No person shall sell at wholesale or distribute liquor or wine within this state to the board or as authorized by the board unless such person shall be issued a liquor wholesaler license by the board.

"SECTION 12. Wholesaler License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a wholesaler license which shall authorize the licensee to import and receive shipments of beer and table wine from outside the state from licensed manufacturers, to purchase beer and table wine from licensed manufacturers, or other licensed wholesalers within the state and to sell at wholesale or distribute beer and table wine to all licensees or other within this state lawfully authorized to sell beer and wine within said state, and to export beer and wine from the state. Sales to all authorized persons shall be in original packages or containers as prepared for the market by the manufacturer or bottler. No person shall sell at wholesale or distribute beer or table wine within this state or to licensees of the board unless such person shall be issued a wholesale license by the board.

"SECTION 13. Warehouse License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a warehouse license which will authorize the licensee to receive, store or warehouse alcoholic beverages within the state for trans-shipment outside or inside the state. No person other than a manufacturer or wholesaler licensee shall receive, store or warehouse alcoholic beverages within the state for trans-shipment outside or inside the state without first obtaining a warehouse license from the board.

"SECTION 14. Lounge Retail Liquor License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall, where the application is accompanied by a certificate from the clerk or proper officer setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval, issue a retail liquor license which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesaler licensee of the board and to sell at retail liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, to patrons for on-premise consumption. A lounge liquor licensee may permit dancing or provide other lawful entertainment on the licensed premises. No person under nineteen years of age shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

"SECTION 15. Club Liquor Retail License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board may, where the application is accompanied by a certificate from the clerk or proper officers setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval, issue a club liquor license for a club which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine and beer, including draft or keg beer in any county or

municipality in which the sale thereof is permitted, from any wholesale licensee of the board and to sell liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, to the members of the club or their guests for on-premise consumption.

"SECTION 16. Restaurant Retail Liquor License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall, where the application is accompanied by a certificate from the clerk or proper officer setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval issue a restaurant liquor license for a hotel, restaurant, civic center authority or dinner theater which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesale licensee of the board and, in that part of the hotel, restaurant, club or dinner theater set out in the license, to sell liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, to the patrons, guests or members for on-premise consumption in any part of the civic center or in that part of the hotel, restaurant or dinner theater habitually used for serving meals to patrons, guests or members, or other public or private rooms of the building in accordance with the provisions of this Act and the regulations made thereunder, and where a restaurant located in a hotel, but not operated by the owner of the hotel, is licensed to sell alcoholic beverages in the restaurant, it may also sell alcoholic beverages to guests in private rooms in the hotel.

"SECTION 17. Retail Liquor License.—Upon applicant's compliance with this Act and the regulations made thereunder, the board shall issue to applicant a retail liquor license which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to sell at retail liquor and wine in original unopened containers of such size or sizes as are from time to time approved by the board for off-premises consumption. A retail liquor license may be issued in municipalities in which there are no state liquor stores or in such municipalities or areas as the board may approve. No person under nineteen years of age shall be admitted on the premises of any retail liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

"SECTION 18. Retail table wine license for on-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail table wine license which will authorize the licensee to purchase table wine from the board or from a licensed wholesaler in counties and municipalities where authorized, and to sell at retail, in unopened original containers or dispense from containers of any size, for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located.

"SECTION 19. Retail table wine license for off-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue a retail table wine license for any retail outlet, which license will authorize the licensee to purchase table wine in packaged form from the board, or in counties and municipalities where authorized, from licensed wholesalers and to sell such table wines in original unopened containers at retail for off-premises consumption, where such use of the proposed location of the retail outlet is not, at the time of original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the retail outlet is located.

"SECTION 20. It is expressly provided that table wine sales shall be authorized in any wet county or wet municipality where now or hereafter authorized by law.

"SECTION 21. Retail beer license for on-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail beer license which will authorize the licensee to purchase beer, including draft beer in counties or municipalities where the sale thereof is permitted, from a licensed wholesaler and to sell the same at retail for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located.

"SECTION 22. Retail beer license for off-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail beer license which will authorize the licensee to purchase beer, including draft beer in counties or municipalities where the sale thereof is permitted, in original unopened containers from licensed wholesalers and to sell such beer in packaged form at retail for off-premise consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the retail outlet is located.

"SECTION 23. Retail Public Service Liquor License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue a retail public service liquor license for a railroad, airline, bus line, ship line, vessel or other public service entity operating passenger vehicles with a passenger seating capacity of at least ten people, which will authorize the licensee to sell, whenever operated in Alabama, alcoholic beverages, liquor, wine and beer, including draft beer, to passengers for consumption while aboard such licensee. No railroad, airline, bus line, ship line, vessel or public service entity shall sell alcoholic beverages to passengers for consumption within this state without first obtaining a retail public service liquor license from the board.

"Sales within Alabama of alcoholic beverages by retail public service liquor licensees shall be made in accordance with and shall be subject to the provisions of this Act and regulations promulgated hereunder.

"SECTION 24. Special Retail License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue a special retail license for a state park, racing commission, fair authority, airport authority, or civic center authority, or the franchisee or concessionaire of such park, commission or authority, and may, in its discretion, issue a special retail license to any other valid responsible organization of good reputation for such period of time not to exceed one year and upon such terms and conditions as the board shall prescribe, which will authorize the licensee to purchase, where the retail sale thereof is authorized by the board, liquor and wine from the board or as authorized by the board and table wine and beer from any wholesale licensee of the board and to sell at retail and dispense such alcoholic beverages as are authorized by the board at such locations authorized by the board upon such terms and conditions as prescribed by the board. Provided, however, no sale of alcoholic beverages shall be permitted on any Sunday after the hour of 2:00 A.M. unless otherwise authorized by the local governing authority.

"SECTION 25. Special Events Retail License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, and upon application made on form provided by the board at least 30 days in advance of the event for which a license is granted, the board shall issue a special events license for a valid, responsible organization of good reputation, for a period not to exceed seven days, and upon such terms and conditions as the board may prescribe, which will authorize the licensee to purchase, where the retail sale thereof is authorized by the board, liquor and wine from the board or as authorized by the board and table wine and beer from any wholesale licensee of the board and to sell at retail and dispense such alcoholic beverages as are authorized by the board to the patrons, guests or members of the organization at such locations or areas as shall be authorized by the board upon such terms and conditions as prescribed by the board. Provided, however, no sale of alcoholic beverages shall be permitted on any Sunday after the hour of 2:00 A.M. unless otherwise authorized by the local governing authority.

"SECTION 26. License Fees for Licenses Issued by the board.—The following annual license fees are levied and prescribed for licenses issued and renewed by the board pursuant to the authority contained in this Act:

- "(a) Manufacturer license, license fee of \$500.
- "(b) Importer license, license fee of \$500.
- "(c) Liquor wholesale license, license fee of \$500.
- "(d) Wholesaler license, beer license fee of \$550 or wine license fee of \$550; license fee for beer and wine of \$750; plus \$200 for each warehouse in addition to the principal warehouse.
- "(e) Warehouse license, license fee of \$200.
- "(f) Lounge retail liquor license, license fee of \$500.
- "(g) Restaurant retail liquor license, license fee of \$200.
- "(h) Retail liquor license, license fee of \$2,000.
- "(i) Club liquor license, license fee of \$500.
- "(j) Retail table wine license for off-premise consumption, license fee of \$150.

"(k) Retail table wine license for on-premise and off-premise consumption, license fee of \$150.

"(l) Retail beer license for on-premise and off-premise consumption, license fee of \$150.

"(m) Retail beer license for off-premise consumption, license fee of \$50.

"(n) Retail public service liquor license, license fee of \$150 for each railroad, airline, bus line, ship line, vessel or other public service entity with a vehicle passenger capacity of at least 10 people.

"(o) Special retail license, license fee of \$100 for 30 days or less; license fee of \$250 for more than 30 days.

"(p) Special events retail license, license fee of \$150.

"(q) Special events retail license only for the sale of beer, license fee of \$25.

"The filing fees and the license fees levied and fixed by this section shall be paid before the license is issued or renewed.

"In addition to the foregoing filing fee and license taxes or fees, any county or municipality in which the sale of alcoholic beverages is permitted shall be authorized to fix and levy privilege or license taxes on any of the foregoing licensees located or operating therein, conditioned on a permit or license being issued by the board and shall be empowered to appropriate the proceeds thereof for local purposes; provided, however, the total of such filing fees and license tax or fees levied by any county and municipality shall not exceed one-half the license fee or tax levied by this section; provided, further, each municipality shall be entitled to the entire proceeds of its license fee or tax collected within its corporate limits and one-half thereof collected outside its corporate limits but within its police jurisdiction and each county shall be entitled to the entire proceeds of its license fee or tax collected outside the police jurisdiction of all municipalities therein and one-half thereof collected within the police jurisdiction of all municipalities therein.

"SECTION 27. Disposition of filing fees and license taxes.—The revenue derived from filing fees, license fees or taxes levied under Section 7 and Section 26 of this Act shall be deposited upon receipt by the board in the state treasury to the credit of the beer tax and license fund and each month's receipts shall be distributed to the state general fund no later than the end of the following month.

"County license fees authorized by and levied pursuant to Section 26 of this Act shall be collected by the board and the proceeds of such collections shall be paid by the board into the State Treasury to the credit of the county levying said license fee and paid semi-annually to the governing body of said county.

"SECTION 28. Regulation of the grant of licenses.—No license prescribed in this Act shall be issued or renewed until the provisions of this Act have been complied with and the filing and license fees other than those levied by a municipality are paid to the board. The commissioner of revenue shall collect all sales taxes owed to the state prior to any renewal.

"Licenses shall be granted and issued by the board only to reputable individuals who are citizens of the United States or to associations whose members are reputable individuals who are citizens of the United States, or

to reputable corporations organized under the laws of the State of Alabama or duly qualified thereunder to do business in Alabama, or, in the case of manufacturers, duly registered under the laws of Alabama, and then only when it appears that all officers and directors of the corporation are reputable individuals and are citizens of the United States, and that at least fifty-one percent of the capital stock is actually owned by individuals who are citizens of the United States. In addition to the foregoing requirements, wholesale licenses shall be granted only to individuals who are residents of this state or to associations at least one of whose partners or associates owning a substantial interest in the association is a resident of this state or a corporation which has at least 51% of its capital stock actually owned by resident individuals of this state. Provided, the residence or citizenship requirements of this paragraph do not apply to manufacturer licensees.

"Every license issued under this Code shall be constantly and conspicuously displayed on the licensed premises.

"Any retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of alcoholic beverages, but a separate license must be secured for each place where alcoholic beverages are sold. No retail license issued under this Code shall be used for more than one premise, nor for separate types of operation on the same premise. Each premise must have a separate retail license. Where more than one retail operation is located within the same building, each such operation under a separate or different ownership is required to obtain a separate retail license; and where more than one type of retail operation located within the same building is operated by the same licensee, such licensee must have a license for each type of retail operation. Provided, there shall be no licenses issued by the board for the sale of liquor, beer or wine by rolling stores.

"No retailer shall sell any alcoholic beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public; but this section shall not be interpreted to prevent a hotel or club licensee from selling such beverages in any room of such hotel or club house occupied by a bona fide registered guest or member or private party entitled to purchase the same.

"All beer, except draft or keg beer, sold by retailers must be sold or dispensed in bottles, cans or other containers not to exceed one pint or sixteen ounces. All wine sold by retailers for off-premise consumption must be sold or dispensed in bottles or other containers in accordance with the standards of fill specified in the then effective Standards of Fill for Wine prescribed by the U. S. Treasury Department.

"Draft or keg beer may be sold or dispensed within this state within those counties in which and in the manner in which the sale of draft or keg beer was authorized by law upon the effective date of this Act or in which the sale of draft or keg beer is hereafter authorized by law; provided in rural communities with a predominantly foreign population, after the payment of the tax imposed by Title 28, Code of Alabama 1975, draft or keg beer may be sold or dispensed by special permit from the board, when, in the judgment of the board, the use and consumption of draft or keg beer is in accordance with the habit and customs of the people of any such rural community. Provided further the board may in its discretion grant, to any civic center authority or its franchisee or concessionaire, to which the board may have issued or may simultaneously issue a retail license under the provisions of this Act, a

revocable temporary permit to sell or dispense in any part of its civic center for consumption therein, draft or keg beer. Either such permit shall be promptly revoked by the board if, in its judgment, the same tends to create intemperance or is prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the state.

"No wholesaler shall maintain or operate any place where sales are made other than that for which the wholesale license is granted; provided, however, a wholesaler may be licensed to sell and distribute liquor, wine and beer. No wholesaler shall maintain any place for the storage of liquor, wine or beer unless the same has been approved by the board. No wholesaler license shall be issued for any premises in any part of which there is operated any retail license for the sale of alcoholic beverages.

"Licenses issued under this Code may not be assigned. The board is hereby authorized to transfer any license from one person to another, or from one place to another within the same governing jurisdiction, or both, as the board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

"Every applicant for a transfer of a license shall file a written application with the board within such time as the board shall fix in its regulations. Whenever any license is transferred, there shall be collected a filing fee of \$50.00, to be paid to the board, and the board shall pay such fee into the state treasury to the credit of the beer tax and license fund of the board. The filing fee shall not be applicable to renewals to the same person.

"In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent, make an assignment for the benefit of creditors, be adjudicated a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and the time it shall issue, and the period for which it shall be issued, and shall have the further power to impose conditions under which said licensed premises shall be conducted.

"SECTION 29. Suspension or revocation of licenses and fines against licensees.—The board shall have full and final authority as to the suspension or revocation of any license issued under this Act and to levy a fine against a licensee in lieu of such suspension or revocation. The board shall have the full right and authority to suspend any retail license issued by it for any reason which it may deem sufficient and proper.

"Provided, however, the board may appoint a hearing commission of not less than three members to hear and decide all contested applications of licenses under this Act, and hear and decide all charges against any licensee for violation of this Act, the law or the regulations of the board and shall have the power and authority to revoke or suspend for cause licenses and permits,

or to fine licensees provided in this Act. Provided no member of the hearing commission shall participate in the hearing or disposition of any application for license or charge against a licensee if he has an interest therein or he was involved in the investigation.

"The board or a hearing commission appointed by the board, upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board, or any partners, members, officers, or directors of the licensee has or have violated any of the laws of this state or regulations of the board relating to the manufacture, sale, possession or transportation of alcoholic beverages, or where the licensed premises has been conducted in a manner prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the state, may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the board. In all such cases where the board or hearing commission shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its actions are based.

"When, in the opinion of the board or hearing commission, a fine is deemed more appropriate than suspending or revoking a license, the board or hearing commission is authorized to fine the licensee for any cause that could result in suspension or revocation. Such fines may not exceed the sum of \$1,000. The licensee must remit the fine to the administrator within one week of the day that such fine is levied. Failure to pay the fine within this period shall result in an automatic suspension of the license until such fine is paid. All fines collected by the board shall be paid by the Administrator into the treasury of the state and credited to the general fund.

"The maximum length of suspension of a license under these provisions shall be one year, and any licensee whose license is suspended by the board or hearing commission shall be, at the discretion of the board or hearing commission, ineligible to have any license under this Act until the expiration or removal of the suspension. Any licensee whose license is revoked by the hearing commission or the board shall be, at the discretion of the board or hearing commission, ineligible to have any license under this Act until the expiration of one year from the date such license is revoked. The board or hearing commission is hereby granted broad discretionary powers in exercising its authority under this section.

"Section 30. Unlawful acts and offenses.—

"A. It shall be unlawful:

"(1) For any manufacturer or wholesaler, or the servants, agents or employees of the same, to sell, trade or barter in alcoholic beverages between the hours of nine o'clock P.M. of any Saturday and two o'clock A.M. of the following Monday.

"(2) For any wholesaler to sell to other than wholesale or retail licensees or others within this state lawfully authorized to sell alcoholic beverages or to sell for export.

"(3) For any licensee to sell, furnish or give away alcoholic beverages to any minor, or to permit any minor to drink or consume any alcoholic beverages on licensee's premises.

"(4) For any person to consume alcoholic beverages on the premises of any state liquor store or of any retail liquor licensee.

"(5) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his license and particularly showing the date of all purchases of alcoholic beverages, the actual priced paid therefor and the name of the vendor, or to refuse the board or any authorized employee of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

"(6) For any licensee to refuse the board, any of its authorized employees or any duly commissioned law enforcement officer the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

"(7) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of alcoholic beverages; provided, however, this subsection (7) shall not apply to any person so employed for twenty or more consecutive years prior to the enactment of this Act.

"(8) For any licensee to knowingly sell any alcoholic beverages to any person engaged in the business of illegally selling alcoholic beverages.

"(9) For any person to manufacture, transport or import alcoholic beverages into this state, except in accordance with the reasonable rules and regulations of the board. Provided, however, that this provision shall not be construed to prohibit the transportation of alcoholic beverages through the state and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the board.

"(10) For any person to fortify, adulterate, contaminate or in any wise change the character or purity of alcoholic beverages from that as originally marketed by the manufacturer, except for a retail licensee on order from a customer to mix a chaser or other ingredients necessary to prepare a cocktail or mixed drink for on-premises consumption.

"(11) For any person licensed to sell alcoholic beverages, to offer to give anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing such alcoholic beverages, or to offer to give any thing of value as a premium or present to induce the purchase of such alcoholic beverages or for any other purpose whatsoever in connection with the sale of such alcoholic beverages. Provided, this provision shall not apply to the return of any moneys, specifically deposited for the return of the original containers to the owners thereof.

"(12) For any licensee or transporter for hire to transport any alcoholic beverages except in the original container, and for any transporter for hire to transport any alcoholic beverages within the state, unless such transporter shall hold a permit issued by the board.

"(13) For any manufacturer or wholesaler to deliver any alcoholic beverages, excepting in vehicles bearing the name and address and permit number of such manufacturer or wholesaler painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

"(14) To sell alcoholic beverages within any dry county or county where the electors have voted against such sales, except in wet municipalities or as authorized by Section 23 of this Act.

"(15) For any person, firm, corporation, partnership or association of persons as such terms are defined in Section 1 of this Act, including any civic center authority, racing commission, fair authority, airport authority, public or quasi-public board, agency or commission, any agent thereof, or otherwise, who has not been licensed so to do under the appropriate provisions of this Act to sell, offer for sale or have in possession for sale, any alcoholic beverages. Any alcoholic beverages so possessed, maintained, or kept shall be contraband and subject to condemnation and confiscation as provided by law.

"(16) For any manufacturer, distiller, producer or distributor of alcoholic beverages to employ and maintain any person not its full-time bona fide employee as its resident sales agent, broker or other like representative, for the purpose of promoting a sale, purchase or acquisition of alcoholic beverages to or by the state or the board, or for any person not a full-time bona fide employee to act as such agent, broker or representative of any manufacturer, distributor, producer or distiller for that purpose.

"(17) For any wholesale or retail licensee to sell, give away, or otherwise dispose of taxable alcoholic beverages within this state on which the required taxes have not been paid in accordance with the law.

"(18) For any wholesaler or retailer to sell, distribute, deliver or to receive or store for sale or distribution within this state any alcoholic beverages unless there first has been issued by the board a manufacturer's license to the manufacturer of such alcoholic beverage or its designated representative or an importer license to the importer of such alcoholic beverages.

"(19) For a minor to attempt to purchase, to purchase, consume, possess or to transport any alcoholic beverages within the state; provided, however, it shall not be unlawful for minor employee of a wholesale licensee or an off-premises retail licensee of the board to handle, transport or sell any beer or table wine if such minor is acting within the line and scope of his employment while so acting.

"(20) For any person, except where authorized by a local act or general act of local application, to buy, give away, sell, serve or drink or consume any alcoholic beverages in any cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of 2:00 o'clock A.M.

"(21) Except where authorized by a local act or general act of local application, for the proprietor, keeper or operator of any cafe, lunchroom, restaurant, hotel dining room, or other public place to knowingly permit any person to give away, sell, serve, drink or consume any alcoholic beverages on the premises of such cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of 2:00 o'clock A.M.

"B. (1) Any violation of the foregoing subsections 1-18 of subsection A of this Section 30 shall be a Class B misdemeanor and upon conviction shall be punished as provided by law; and, on the second conviction of a violation of any of these subsections, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of any of these subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than twelve months.

"B. (2) Any violation of any of the foregoing subsections 19, 20 and 21 of subsection A of this Section 30 shall constitute a Class C misdemeanor and any person upon conviction thereof shall be punished as provided by law.

"SECTION 31.

"A. Any person who has been found guilty of violating any of the provisions of this Act and who, after being punished by fine, penalty, assessment or imprisonment, shall be guilty of a second or subsequent violation of this Act, shall upon being found guilty of such second or subsequent offense, have the license or permit as provided in this Act revoked by the board, and no further license or permit shall be issued or granted to such person for a period of one year from the date the license or permit shall have been revoked.

"B. (1) In addition to any fine or sentence imposed by this section, any vehicle used to transport alcoholic beverages or liquors in violation of this Act with the knowledge and consent of its owner, shall be subject to confiscation upon declaration being filed for the purpose by any district attorney or like officer of any municipal or district court, or attorney general, in this state having jurisdiction thereof, under the rules of law now governing the confiscation and condemnation of vehicles used in transporting liquors. Provided, however, it shall be lawful for bona fide claimants of such vehicles to file claim and replevy such property pending condemnation proceedings.

"B. (2) The fiscal authorities of any county or municipality may require that any officer who receives a salary as compensation shall remit any sums to which he may become entitled by virtue of the seizure and condemnation of any vehicle or conveyance used in conveying any liquors or beverages prohibited by law to the treasury of such county or municipality from which such salary is paid. All actions of any kind to collect any such sums from any county, municipality or any officer thereof for which the right of action has accrued prior to the passage of this section shall be brought within 90 days after the enactment of this section or be forever barred; any and all actions to recover on rights of action accruing after the enactment of this section shall be brought within 90 days after such rights of action accrue or be forever barred.

"SECTION 32. The sale of alcoholic beverages in or on the campus of any public school or college, or at any public athletic event at any grammar or high school or any college shall be prohibited.

"SECTION 33. (a) The provisions of this Act shall not apply to ethyl alcohol intended for use or used for the following purposes:

"(1) For scientific, chemical, mechanical, industrial, medicinal and culinary purposes.

"(2) For use by those authorized to procure the same tax free, as provided by the acts of congress and regulations promulgated thereunder.

"(3) In the manufacture of denatured alcohol produced and used as provided by the acts of congress and regulations promulgated thereunder.

"(4) In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations of products, unfit for beverage purposes.

"(5) In the manufacture of flavoring extracts and syrups, unfit for beverage purposes.

"(b) Act No. 79-182, H. 236 of the 1979 Regular Session (Acts 1979, Vol. I, pg. 291) is expressly exempt from the provisions of this Act and no part or parts of said Act shall be repealed by the provisions herein."

SECTION 4. The legislature concurs in the recommendations of the Sunset Committee provided in Sections 1, 2 and 3 of this Act.

SECTION 5. The following laws are specifically repealed: Sections 28-3-1, 28-3-23, 28-3-70 through 28-3-73, 28-3-90 through 28-3-95, 28-3-110 through 28-3-115, 28-3-130 through 28-3-148, 28-3-160 through 28-3-167, 28-3-260 through 28-3-268, all of the Code of Alabama 1975; and all laws or parts of laws which are in direct conflict or which are inconsistent with the provisions of this Act are hereby repealed. Provided, however, nothing herein contained shall be construed as repealing Section 28-3-4, Code of Alabama 1975.

SECTION 6. Severability.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 7. Effective Date.—Upon its passage and approval by the Governor, or upon its otherwise becoming law, the provisions of this Act shall, except as otherwise herein provided, become effective at midnight on September 30, 1980; provided, however, that any license granted prior to the effective date shall remain in effect until its expiration.

On motion of Mr. Harrison, said substitute was laid on the table.

Yeas 15; Nays 11.

Yeas:

Messrs.:	Denton	Krikland	Proctor
Bailey	Harrison	Lemaster	Robertson
Barron	Holmes	Little	St. John
Britnell	Keener	Mitchem	Taylor

—15

Nays:

Messrs.:	deGraffenried	Parsons	Vacca
Callahan	Goodwin	Smith	Weeks
Cook	McDonald	Teague	White

—11

The question was then on the Committee substitute for the Bill, S. B. 272.

Mr. Callahan moved that further consideration of the Bill, S. B. 272, and pending Committee substitute be postponed temporarily.

On motion of Mr. Harrison, the motion to postpone was laid on the table.

Yeas 16; Nays 12.

Yeas:

Messrs.:	Hall	Kirkland	Mitchem
Bailey	Harrison	Lemaster	Parsons
Barron	Holmes	Little	Robertson
Britnell	Keener	Miller	Taylor
Denton			

—16

Nays:

Messrs.:	Goodwin	Proctor	Vacca	
Callahan	Martin	Smith	Weeks	
Cook	McDonald	Teague	White	
deGraffenried				—12

And said Committee substitute was then adopted by the Senate.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Harrison	Martin	Robertson	
Bailey	Holmes	McDonald	Smith	
Barron	Keener	Miller	Taylor	
Britnell	Kirkland	Mitchem	Teague	
deGraffenried	Lemaster	Parsons	Vacca	
Denton	Little	Proctor	White	
Hall				—24

Nay: Mr. Goodwin. —1

And said Bill, S. B. 272, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 1.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Hall	Martin	St. John	
Barron	Harrison	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Callahan	Keener	Mitchem	Teague	
Cook	Kirkland	Parsons	Vacca	
deGraffenried	Lemaster	Proctor	White	
				—27

Nay: Mr. Weeks. —1

Mr. Little moved that the Senate reconsider the vote by which the Bill, S. B. 272, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MOTION TO ADJOURN LOST

At 5:03 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, March 11, 1980, at 5 o'clock P.M., which motion was lost.

Yeas 8; Nays 19.

Yeas:

Messrs.:	Goodwin	Smith	Weeks	
Callahan	St. John	Vacca	White	
Cook				—8

Nays:

Messrs.:	Denton	Kirkland	Mitchem
Bailey	Hall	Lemaster	Parsons
Barron	Harrison	Little	Proctor
Britnell	Holmes	Martin	Robertson
deGraffenried	Keener	Miller	Taylor

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Mr. St. John offered the following Senate Resolution, to-wit:

S. R. 76. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 540 AS SUBSTITUTED AND AMENDED.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, H. B. 540, as substituted and amended, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does H. B. 540, as substituted and amended, contain more than one subject and as a result conflict with Section 45 of the Constitution of Alabama of 1901?

2. Does H. B. 540, as substituted and amended, constitute an unauthorized delegation of any power vested solely in the legislature by the provisions of Section 44 of the Constitution of Alabama of 1901?

3. Does H. B. 540, as substituted and amended, change the original purpose of the original H. B. 540 and as a result conflict with Section 61 of the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending H. B. 540 with the Substitute and Amendment to the Clerk of the Supreme Court of Alabama, and to transmit the request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

Mr. Gulledge offered the following Senate Resolutions, to-wit:

S. R. 77. HONORING MR. LESLIE L. SMITH OF SILVERHILL, ALABAMA.

Also:

S. R. 78. COMMENDING MRS. LILLIE GRAVETTE FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues and Hilliard:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 383. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues:

H. 371. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy products and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

Also:

By Rep. Cosby:

H. 372. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Also:

By Reps. Pegues and Hilliard:

H. 373. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

By Reps. Whatley and Hilliard:

H. 374. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Also:

By Reps. Cosby and Pegues:

H. 375. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which sections requires surety bond from applicants.

Also:

By Rep. Pegues:

H. 376. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Also:

By Rep. Whatley:

H. 377. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said

board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Also:

By Rep. Cosby:

H. 378. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H.B.'s 371, 372, 373, 374, 375, 376, 377, and 378. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 382. To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H.B. 382. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 381. To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and

wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 381. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cosby, Hilliard and Whatley:

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 380. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Section 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state for a period of one year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 379. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 367. Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

Also:

By Reps. Hilliard and Hammett:

H. 368. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Also:

By Rep. Pegues:

H. 369. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Also:

By Reps. Pegues and Hilliard:

H. 370. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 367, 368, 369, and 370. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues and Hilliard:

H. 360. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

By Rep. Pegues:

H. 361. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Also:

By Rep. Hilliard:

H. 362. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

By Rep. Hilliard:

H. 363. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

By Reps. Hilliard and Hammett:

H. 364. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Also:

By Reps. Pegues, Whatley, Hilliard and Hammett:

H. 365. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Also:

By Reps. Whatley and Hilliard:

H. 366. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 360, 361, 362, 363, 364, 365, and 366. To the Committee on Governmental Affairs.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 6

S. J. R. 3

S. J. R. 4

S. J. R. 5

S. J. R. 7

S. J. R. 8

Delivered to the Governor February 12, 1980, at 3:00 P.M.

S. J. R. 16

S. J. R. 17

S. J. R. 19

S. J. R. 21

S. J. R. 22

S. J. R. 23

S. J. R. 24

Delivered to the Governor February 26, 1980, at 4:10 P.M.

S. B. 132

Delivered to the Governor February 26, 1980, at 1:30 P.M.

S. J. R. 12

S. J. R. 33

S. J. R. 26

S. J. R. 27

S. J. R. 30

S. J. R. 32

S. J. R. 37

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S. J. R. 35

S. J. R. 38

S. J. R. 39

S. J. R. 42

S. J. R. 43

S. J. R. 48

S. J. R. 49

Delivered to the Governor March 4, 1980, at 4:10 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:20 P.M., on motion of Mr. Callahan, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 3, 71, and 116, the Senate adjourned until Tuesday, March 11, 1980, at 4:55 P.M.

Yeas 15; Nays 14.

Yeas:

Messrs.:	deGraffenried	Miller	Teague
Bailey	Goodwin	Proctor	Vacca
Callahan	Holmes	St. John	Weeks
Cook	McDonald	Smith	White

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Nays:

Messrs.:	Hall	Lemaster	Parsons
Barron	Harrison	Little	Robertson
Britnell	Keener	Martin	Taylor
Denton	Kirkland	Mitchem	

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ELEVENTH LEGISLATIVE DAY

TUESDAY, MARCH 11, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Coy Barker, Pastor, First Assembly of God, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Martin	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Clemon	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
deCraffenried	Lemaster	Robertson	
Denton	Little		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass, Goodwin, and Higginbotham for today.

COMMUNICATION FROM THE SUPREME COURT
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1979-80

Members of the Senate
State Capitol
Montgomery, Alabama

Dear Sirs:

The Honorable McDowell Lee, Secretary of the Senate, forwarded to the members of the Alabama Supreme Court the following Senate Resolution No. 70:

"WHEREAS there [is] pending or [has] just been adopted in both Houses of the Legislature S. J. R. 69, which relates to the order of business of both Houses of the Legislature on the Tenth Legislative Day, and [this resolution conflicts] with provisions of the Alabama Sunset Law of 1976, as amended, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, and particularly Section 41-20-10; now therefore

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the proper procedure of the two Houses of the Legislature:

1. In view of the fact that Section 53 of the Constitution of Alabama specifically delegates to each House of the Legislature the power to prescribe the rules of its procedure, but does not stipulate the form in which such rules may be guised, does the latest expression of the Houses on the matter of rules procedure, though contained in resolution form, supersede earlier rules contained in statutory form?

2. In view of the fact that the legislative power of this state vested in the Legislature by Section 44 of the Alabama Constitution is plenary, except as limited by the state or federal constitution, and there is no limitation in Alabama's Constitution on the form or the manner in which rules governing legislative procedure must be expressed, would the latest rule of legislative procedure supersede any rules theretofore prescribed, regardless of the form of the prescription?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send five true copies of the above-cited Senate [Resolution] to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution."

The Joint Resolution of the Senate and House of Representatives (S. J. R. 69), seeks to alter certain procedures in Section 41-20-10, Code of 1975. This section of the code is part of the Alabama Sunset Law of 1976.

The Senate, or the House of Representatives, or both houses acting jointly, has the "... power to determine the rules of its proceedings..." Section 53, Constitution of Alabama. As a coordinate branch of government, the legislature's power is plenary unless controlled or limited by other provisions of the constitution. The Courts cannot look to the wisdom or folly, the

advantages or disadvantages, of the rules which a legislative body adopts to govern its own proceedings. *Taylor v. Davis*, 212 Ala. 282, 102 So. 433 (1924); Opinion of the Justices No. 185, 278 Ala. 522, 179 So. 2d 155 (1965).

Recognition of the principle announced in the above cases does not, however, answer the questions posed. The question remains as to whether any other provisions of the constitution inhibit the power given in Section 53.

Section 61, provides that, "No law shall be passed except by bill" If no law can be enacted except by the passage of a bill, then it is clear that no law may be amended by means other than the passage of a bill. Therefore, a joint resolution cannot be used to amend an existing statute.

We are of the opinion that for an amendment to an existing statute to be valid, it must be passed in accordance with the same constitutional requirements as were necessary to enact the original statute. See Sections 62 and 63 of the Constitution. In *Taylor*, supra, the Court reasoned as follows:

The power of each house to determine its rules is the power in either house to adopt the same rules as the other, the power to make joint rules not inconsistent with the Constitution.

The point of concern in dealing with section 6 of the Budget Act, above quoted, arises upon a consideration of the rules of procedure prescribed by the Constitution itself. Section 55 must be construed in connection with other provisions. The power to make rules cannot overturn those rules relating to the course of pending legislation imbedded in the Constitution.

What are these constitutional rules? No law shall be passed except by bill, and no bill amended so as to change its original purpose. Section 61. No bill shall become a law until it shall have been referred to and acted upon by a standing committee. Section 62. Every bill shall be read on three different days in each house, the final reading to be at length, and passed by a majority vote of yeas and nays entered on the journals.

There are rules for the style of laws, and the form of amendments to existing laws (section 45); rules for the passage of local laws (section 106); and other rules will suggest themselves. No argument is needed to demonstrate that no rule of either house can evade or avoid the effect of these provisions. Precedents without number may be readily recalled.

Moreover, we note that Section 45 provides, among other things, that

. . . No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length.

Thus, statutes which are amended must be re-enacted and published at length. Clearly, the phrase "published at length" was intended to require notice to the citizens of the state. We know of no provision in the Constitution requiring public notice of legislative rules.

If the Joint Resolution dealt only with an internal rule of the legislature, not set forth in a state law, it would be a valid exercise of power. However, the Joint Resolution does not merely change a rule of procedure. In actuality, it

amends a state law. Thus, the amendment process must comply with the same constitutional formalities as were necessary for the original enactment.

Therefore, we respectfully answer the questions in the negative.

Respectfully submitted,

C. C. TORBERT, JR.

Chief Justice

JAMES H. FAULKNER

RENEAU P. ALMON

JANIE L. SHORES

SAM A. BEATTY

Associate Justices.

I am of the opinion that Section 11 of Act No. 512, Acts, 1976 [Code 1975, § 41-20-10], is a rule of procedure, and could not bind either house of a future Legislature; therefore, I believe that the current Legislature, if it desired to do so, could follow a rule of procedure different from that specified by a prior Legislature, without having to adopt a bill to amend that prior law.

This Court's case of *Taylor v. Davis*, 212 Ala. 282, 102 So. 433 (1924), in my opinion, is authority for the general proposition that a rule of procedure expires with the Legislature adopting it, unless readopted by future Legislatures.

In *Taylor*, as I understand that case, a taxpayer brought a suit to challenge an entire Act of the Legislature creating a state budget commission (Gen. Acts. 1919, p. 33) on the ground that Sections 6 and 7 of the Act, which set up the procedure for handling budget bills were unconstitutional. This Court, in discussing the two sections, opined:

"Section 6 of the Budget Law, in so far as it requires a two-thirds vote to alter or amend a budget bill, is void. It is suggested that a taxpayer cannot raise the question; that no injury is shown by the mere promulgation of a rule which does not bind either house in future Legislatures; and that the rule only tends to prevent increased appropriations to the hurt of the taxpayer.

"We are not prepared to assent to the proposition that a taxpayer has no interest in having appropriations made in the manner fixed by the Constitution, and the subjects as well as amounts of appropriations determined by chosen representatives charged with that duty.

"We are not unmindful of the rule that the constitutionality of a statute should not be passed upon unless duly presented and necessary to the right decision of the cause before us. Here the question is directly presented, and its decision necessary to bring under review the further question whether section 6 inflicts and avoids the entire Budget Act. Moreover, the question involved is one of public concern. The rule is incorporated in the statute. Future Legislatures are invited though not bound, to readopt and to adhere to it in dealing with budget bills. It concerns the maintenance of the autonomy of the co-ordinate departments of government, and maybe the validity of future legislative acts. To deal with the question we deem a part of our duty to support the Constitution.

"Section 7 of the Budget Law merely declares a rule of priority in considering budget bills over other appropriation bills. This is within the

power of each house to regulate its procedure. Other provisions of section 7 give legislative recognition to the requirements of section 71 of the Constitution.

* * *

" . . . Section 6 deals with the action to be taken by the Legislature on pending appropriation bills. It is severable from the general provisions of the bill. Being a rule of procedure it expires with the Legislature adopting it, unless readopted by future Legislatures. We may say this section severs itself by the nature of it. We cannot assume the legislative intent was that there should be no budget law unless accompanied with a surrender of legislative responsibility in dealing with pending bills. Rather do we assume that the thoughtful legislator welcomes aid in meeting the responsibility which is his in the final enactment of revenue and appropriation bills." (Emphasis added.)

I candidly admit that this Court opined, in *Taylor*, that Section 7 of the Act under consideration merely declared a rule of priority, and was "within the power of each house to regulate its procedure." I do not admit, however, that *Taylor* stands for the proposition that future Legislatures would be bound to follow a statutory procedure, unless they adopted an Act to modify or repeal that prior procedure. *Taylor* does say that the Legislature can validly adopt a rule giving priority to certain types of legislation. There is no constitutional impediment to a Legislature's adopting such a rule of procedure by statute or by rule. Any such rule of procedure would obviously be binding on that Legislature, and, if adopted by an Act of that Legislature, I think it would be binding on it until changed by statute. That's what I think *Taylor* says—that a Legislature can, by statute, prescribe a rule of procedure. I also think that *Taylor* stands for the proposition that a rule of procedure adopted by one Legislature, whether by rule or statute, "expires with the Legislature adopting it, unless readopted by future Legislatures." As *Taylor* suggests: "Future Legislatures are invited though not bound, to readopt and to adhere to it in dealing with budget bills." (Emphasis added.)

I realize that prior Legislatures have passed many statutes which contain procedural provisions, which purport to govern legislative procedures. When a succeeding Legislature follows any procedural rules provided for by statute, without objection, the Legislature, by its very action, is adopting the statutory procedure, and no problem is created. When a succeeding Legislature, however, does not wish to adopt a statutory procedure which has been established by a previous Legislature, as is the case here, I believe that the Legislature can change that procedure without adopting a Bill.

In short, I think *Taylor* is authority for the proposition that rules of procedure expire with the Legislature adopting them, unless readopted by future Legislatures. *Taylor* has been cited as authority for this proposition. See 81A C.J.S., States, § 52, p. 400; *Town of Exeter v. Kenick*, 181 A.2d 638 (N.H. 1962). I also believe that a substantial majority of the precedents of the House of Representatives suggest that the House, in its procedure, is not bound by a law passed by a former Congress. See 4 Hinds, *Precedents of the House of Representatives*, §§ 3298, 3579; 5 Hinds, *Precedents of the House of Representatives*, §§ 6002, 6743—6747.

HUGH MADDOX,
Associate Justice.

OPINION RENDERED

The foregoing communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 281. To repeal Sections 34-5-1 through 34-5-16, as amended, of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners, and to provide for an effective date.

The question was on the Denton, Miller, Cook, Hall, and Britnell substitute for the Committee substitute for the Bill, S. B. 281, which said substitute is set out in the Journal of the Senate for the Tenth Legislative Day.

On motion of Mr. Denton, unanimous consent was granted to withdraw said substitute.

Messrs. Denton and Miller then offered the following substitute for the Committee substitute for the Bill, S. B. 281, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR S. B. 281

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; repealing said Sections 34-5-1 through 34-5-16 which relate to the present board of barber examiners, and providing further for the licensing and practice of barbering and barber colleges; creating a new board of barber examiners; and providing penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission with a complete re-organization of the present board of barber examiners, and to repeal Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, under which the present board operates.

Section 3. The existence and functioning of the Alabama Board of Barber Examiners is hereby continued as herein provided in Sections 4 through 19.

Section 4. "The Practice of Barbering" as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally.

Section 5. No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the Board of Barber Examiners.

No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter has a certificate of registration as a registered barber or apprentice, issued by the Board of Barber Examiners.

No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop. No barber shop will have more than three apprentice barbers at one time.

Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

Students entering barber school must register with the State Barber Board and furnish current health certificate, and pay application fee of five dollars (\$5.00).

The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under the rules prescribed by the said board and shall include both practical demonstrations, written and oral test in reference to the practices for which a license is applied and such related studies as subjects for which a license is applied and such related studies or subjects as the board may determine necessary for the proper and efficient performance of such practices.

Section 6. Any person who can establish within six (6) months after the passage of this act that he is a barber or an apprentice as defined under this act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this act. This section will not be construed to mean anyone except the barbers now practicing in the State of Alabama and instructors in barber colleges under the State Vocational Schools.

All instructors operating under the State Vocational Schools shall be exempt from qualifying fees. The instructors shall receive an instructors certificate by paying the annual renewal fee as this act prescribes. All future instructors will be subject to all provisions of this act relating to instructors or assistant instructors.

All state operated barber colleges shall be exempt from fees.

Section 7. No person shall act as instructor or assistant instructor in a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor or an assistant instructor at the barber college unless he has a current and valid certificate of registration as an instructor or assistant instructor, issued by the Board of Barber Examiners.

The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all the following:

(1) He files an application with the board in such form as it may prescribe, accompanied by the required fee.

(2) He is of good moral character and temperate habits.

(3) He holds a diploma evidencing successful completion of high school, or has the equivalent education determined by an examination conducted by the board and approved by the Vocational Educational Division of the Department of Education.

(4) He has held a valid certificate of registration as a barber in Alabama and has practiced barbering in Alabama for at least the last three years before issuance of the instructor's certificate.

(5) He has graduated from a barber college in a course embracing all the theory and scientific manipulation taught in barber schools.

(6) He satisfactorily passes an examination conducted by the board to determine his fitness to be an instructor.

(7) All instructors and assistant instructors must complete a forty (40) hour advanced training course semi-annually. This course will be under the supervision of the State Barber Board.

Assistant instructors must comply with each of the above requirements in order to obtain a certificate of registration as an assistant instructor except that they need have held a barber's certificate and practiced barbering in Alabama for only 18 months prior to the issuance of the assistant's certificate of registration.

Section 8. No person shall be admitted to examinations or receive a license to practice barbering under this act, except as otherwise provided in this act, unless such person shall possess the following qualifications:

(1) He shall pay the original licensing fee as hereinafter provided for;

(2) He is at least 18 years of age;

(3) He is of good moral character and temperate habits;

(4) He has practiced as a registered apprentice in Alabama for not less than eighteen (18) months under the immediate supervision of a registered barber; and

(5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice barbering.

Any applicant for such a certificate of registration who fails to satisfactorily pass an examination conducted by the board shall have the right to apply again for another examination after a period of six (6) months and he may continue to apply every six (6) months thereafter until he has passed such examination, provided he has practiced as an apprentice during said time.

No person shall be admitted to examination or receive a license as an apprentice under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

- (1) He shall pay the original licensing fee as hereinafter provided for;
- (2) He is at least 16 years of age;
- (3) He is of good moral character and temperate habits;
- (4) He has graduated from a barber college or school of barbering approved by the board; and
- (5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice as a registered apprentice.

Section 9. As used in this act, "Barber College" includes a school of barbering, college of barbering, barber school, and any other place or institution for the instruction or training of persons in the practice of barbering.

No person shall operate a barber college unless he holds a certificate of registration in good standing therefor issued by the board and unless such certificate is displayed at all times in a conspicuous place on the premises.

The board shall issue a certificate of registration for each college which complies with this act and regulations of the board.

An applicant for a certificate of registration to operate a barber college shall file an application with the board in such form as the board may prescribe accompanied by the fee required by this act. Upon receipt of the application, the board shall require the applicant, if an individual, or if the applicant is a firm partnership or corporation, a partner or officer thereof, to appear personally before the board and submit information, in such form as the board may by regulation prescribe, showing:

- (1) The location of the proposed college and its physical facilities and equipment;
- (2) The proposed maximum number of students to be trained at one time and the number of instructors to be provided;
- (3) The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;
- (4) The financial ability of the applicant to operate the college in accordance with the requirements of this act and the regulations of the board; and
- (5) Such other information as the board considers necessary.

Prior to the issuance of the certificate, the board or its representative shall inspect the college and shall determine that it complies with this act and the regulations of the board. Before making such inspection, the board may require the applicant to furnish such evidence as is necessary to show compliance with any local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

Section 10. For the purposes of the act and the regulations of the board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a barber college, and a separate certificate shall be required for each. However, facilities at which the practice of barbering or any part thereof is taught which was operated or maintained by a college in the same central area as the main establishment of the college shall not be deemed for the purposes of this act, to be a separate college. No such facility shall be operated or maintained by a college until and unless

each has been inspected and approved by the board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this act paid and a certificate to operate and maintain the particular facility is issued by the board.

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located, giving particular consideration to:

- (1) The economic character of the community;
- (2) The adequacy of existing barber shops and barber colleges in that community;
- (3) The ability of the community to support the proposed barber college;
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities;
- (5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities; and
- (6) The expressed opinion of the registered barbers in the area of the proposed college, as evidenced in person or by written petition to the board.

No barber college shall be approved by the board unless it requires as a prerequisite to graduation a course or instruction of not less than 1500 hours. The board shall approve all hours of instructions given by any of the state educational institutions and schools.

The course of instruction shall include the following subjects: scientific fundamentals of barbering, hygiene, bacteriology; history of the head, face and neck; elementary chemistry as it relates to sterilization and asepsis, diseases of the skin, hair glands, and the massaging and manipulation of the muscle of the body above the seventh cervical vertebra; hair cutting and shaving; and tinting of the hair.

Section 11. The board shall have the power to refuse, revoke and suspend licenses and certificates strictly in accordance with the provisions of the act upon proof of violation of any sections of the act.

The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this act. Provided, however, the board shall not on any of the grounds in this section stated, refuse to issue or renew any license or certificate nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least 20 days notice in writing, specifying

the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business.

Findings made by the board are deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given an aggrieved party, said aggrieved person shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery County. In event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The circuit court shall have the right to affirm, reverse or affirm in part or reverse in part the finding of the board and shall render such final judgment as to the court may seem just and proper.

In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

Section 12. The holder of a certificate or license issued by said board as provided by this act, who continues in active practice of said profession within the meaning of this act, shall on or before the first day of January renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year.

The holder of the expired certificate or license may have within three (3) years of the date of expiration, the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession.

Section 13. Any person, firm or corporation who shall engage in any of the practices designated to be within the meaning of this act, or act in any capacity wherein a certificate or license is required without a certificate or license provided in this act, or shall in any other form or manner violate any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than \$100.00 or shall be imprisoned for no more than ninety (90) days or both, and if a corporation, shall be punished by a fine of not less than \$500.00. After official notice of such violation, each day of operation of practice constitutes a separate violation.

Section 14. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this act shall be as follows:

- (1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;
- (2) For an examination to determine the qualification of an applicant from another state, not to exceed \$50.00;
- (3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor not to exceed \$150.00;
- (4) For the issuance of the initial certificate to operate a barber college, not to exceed \$500.00;
- (5) For such annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$50.00;
- (6) For each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;
- (7) For the restoration of an expired certificate except for a barber college, not to exceed \$50.00;
- (8) For the restoration of an expired certificate for a barber college, not to exceed \$100.00;
- (9) For annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber or apprentice in said shop;
- (10) For the issuance of any duplicate certificate, \$3.00.
- (11) For each annual renewal of a barber's or apprentice's certificate, \$20.00.

Section 15. Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

Section 16. Receipts and expenses of board. All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within the state designated by the board. Such funds shall be expended for carrying out the purpose of the act and may be withdrawn on order of the Executive Officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the Chief Examiner of Public Accounts of the State of Alabama.

Section 17. There is hereby created the Alabama Board of Examiners, to consist of five (5) persons. Such board shall be appointed by the Governor of the State of Alabama, one person appointed for the term of one year, one person for a term of two years, one person for a term of three years, one person for a term of four years and one person for a term of five years and until their successors are appointed and qualified.

Each member of said board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment.

The succeeding members of said board shall serve for five (5) years. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. Said board may do all things necessary and convenient for enforcing the provisions of this act. They may from time to time promulgate necessary rules and regulations compatible with the provisions of this act, and the State Board of Health.

The members of the board shall annually elect from among their numbers a president, a vice-president and appoint an executive secretary. The executive secretary need not be a member of the board. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this act. The compensation of said personnel shall be paid out of the funds received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money before entering upon the discharge of his duties, shall file with the treasurer of the State of Alabama, a good and sufficient bond in the penal sum of \$10,000, payable to the State of Alabama, to ensure the faithful performance of his or her duties as such executive secretary, and the premium on such bond shall be paid out of the funds of the board.

The executive secretary of the board shall be paid a salary as determined by the board, to be paid semi-monthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the board.

Each member of the board shall receive compensation fixed by the board, not to exceed \$60.00 per diem while engaged in the discharge of his official duties and necessary expenses plus mileage as set forth by the State of Alabama for necessary travel incurred in such official duties, not to exceed 30 days in any one calendar year.

The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operation of this act.

The board shall meet in the City of Montgomery, Alabama, on the second Monday in January, April, July and October of each year, and at such other times and places as the board may direct. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts.

The said board shall keep a permanent record of its proceedings. It shall keep a register of applications for certificate or license showing the name and location of his or her place of occupation or business and whether the applicant was granted or refused a license. The books and records of the board shall be prima facie evidence of the matters therein contained, which constitutes public records and shall at all reasonable times be open for public inspection.

The State Board of Barber Examiners shall work with, seek the advice and cooperate with the State Health Department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the State of Alabama.

The State Board of Examiners shall work with, seek the advice and cooperate with the State Department of Education on matters of establishing education of applicants for barber schools or applicants for apprentice license, or applicants for a certificate as a journeyman barber.

Section 18. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts, or ordinances shall remain in their entirety in full force and effect.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. Sections 34-5-1 through 34-5-16 and any other laws or parts of law in conflict herewith are hereby repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Robertson moved that further consideration of the Bill, S. B. 281 be postponed temporarily, which motion was lost.

Mr. Callahan moved that the Denton-Miller substitute be laid on the table, which motion was lost.

Yeas 8; Nays 22.

Yeas:

Messrs.: Callahan Clemon	Parsons Proctor	Taylor Teague	Vacca White	—8
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Nays:

Messrs.: Bailey Barron Britnell Cook deGraffenried	Denton Figures Gulledge Hall Holmes Keener	Kirkland Lemaster Little Martin McDonald Miller	Mitchem Robertson St. John Smith Weeks	—22
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And said Denton-Miller substitute for the Committee substitute for the Bill, S. B. 281, was then adopted by the Senate.

Mr. White offered the following amendment to the Committee substitute, as amended by the Denton-Miller substitute, for the Bill, S. B. 281, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE
AS AMENDED, FOR S. B. 281

Amend the Substitute for S. B. 281, as last substituted, Section 17, page 14, line 20, by inserting after the word "qualified" the following: Provided, that anyone serving on the Alabama board of barber examiners at the time of the passage of this act shall be excluded from appointment to the board as created in this section.

Mr. Denton moved that said amendment be laid on the table, which motion was lost.

And said amendment was then lost.

Yeas 7; Nays 22.

Yeas:

Messrs.: deGraffenried Mitchem	Robertson Taylor	Vacca Weeks	White	—7
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Nays:

Messrs.: Bailey Barron Britnell Callahan Clemon	Cook Denton Figures Hall Harrison Holmes	Keener Kirkland Lemaster Little Martin McDonald	Miller Parsons Pearson St. John Smith	—22
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Mr. Proctor offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 281, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,
AS AMENDED, FOR S. B. 281

Amend substitute, as amended, for Senate Bill No. 281, Page 16 Line 31, by inserting after the word effect, "all counties heretofore exempt under prior laws are hereby exempted from any of the provisions of this act."

Which was adopted.

Mr. Weeks offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 281, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,
AS AMENDED, FOR S. B. 281

Amend substitute, as amended, for Senate Bill No. 281, Page 16 Line 31, by inserting after word effect, excluding the following counties Macon, Bullock, Barbour, Pike, Coffee, Henry, Dale and Jefferson will be excluded from this Act.

On motion of Mr. Bailey, said amendment was laid on the table.

Yeas 23; Nays 3.

Yeas:

Messrs.: Bailey Barron Britnell Callahan Cook	deGraffenried Denton Gulledge Hall Harrison Holmes	Keener Kirkland Lemaster Little Martin McDonald	Miller Mitchem Pearson Robertson St. John Vacca	—23
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Nays: Messrs.: Parsons, Weeks, White.

—3

Mr. Pearson offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 281, to-wit:

REGULAR SESSION
11th Day

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AMENDMENT TO COMMITTEE SUBSTITUTE,
AS AMENDED, FOR S. B. 281

Amend substitute, as amended, for Senate Bill No. 281, Page 16 Line 31, by striking the word "prior" and inserting in lieu there of the word "present."

Which was adopted.

And said Committee substitute, as thus amended, for the Bill, S. B. 281, was then adopted by the Senate.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Pearson
Bailey	Gulledge	Little	Proctor
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
Callahan	Holmes	Miller	Smith
Cook	Keener	Mitchem	Taylor
deGraffenried	Kirkland	Parsons	White
Denton			

—28

Nay: Mr. Weeks.

—1

And said Bill, S. B. 281, as thus amended by the Committee substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Hall	Martin	St. John
Barron	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Callahan	Keener	Parsons	Teague
Cook	Kirkland	Pearson	Vacca
deGraffenried	Lemaster		

—25

Nays:

Messrs.: Weeks, White.

—2

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today (S. R. 74), which was the Bill:

S. 279. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor, with Senate confirmation, to increase the membership of said commission to five (5), to provide further for

the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

Mr. Smith offered the following amendment to the Bill, S. B. 279, to-wit:

AMENDMENT TO SENATE BILL 279

On page 2, Section 1, subsection (a), lines 23 and 24, strike the following language: with the advice and consent of the Senate

and insert in lieu thereof:

and such appointees shall be confirmed by the Senate of the State of Alabama within 30 calendar days, if the Legislature is in session at the time of such appointment; however, in the event the Legislature is not in session at the time of such appointment the Senate must confirm the appointment within 30 calendar days after the convening of the next session of the Legislature or such appointment will be voided and the office will be vacated.

On page 3, Section 4, the 3rd and 2nd line from the bottom of the page, strike the following language:

with the advice and consent of the state senate as herein provided.
and insert in lieu thereof:

provided such appointment is confirmed by the Senate of the State of Alabama as herein provided in Section 1 above.

On page 4, Section 4, subsection (b), strike the following last two words: state senate

and insert in lieu thereof:

senate of the State of Alabama as herein provided in Section 1 above.

On page 4, Section 4, subsection (d) strike the period after the word "term" and insert the following language:

subject to confirmation by the senate of the State of Alabama as herein provided in Section 1 above.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	deGraffenried	Keener	Proctor
Bailey	Denton	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Weeks
Cook	Holmes	Parsons	White

—23

Nays:

—0

Mr. Smith then offered the following amendment to the Bill, S. B. 279, as amended, to-wit:

AMENDMENT TO SENATE BILL 279, AS AMENDED

Amend Senate Bill 279 on page 5, immediately following the new underlined subsections (f), in subsection (g), strike the first word "Members" and insert in lieu thereof the underlined words and phrases:

Effective January 1, 1983 members

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Teague
Callahan	Keener	Parsons	Vacca
Cook	Kirkland	Proctor	White
deGraffenried	Lemaster	Robertson	—26

Nays: —0

Mr. Parsons offered the following substitute for the Bill, S. B. 279, as amended, to-wit:

SUBSTITUTE FOR S. B. 279, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to provide further for the qualifications of members, method of filling vacancies, compensation, and the number of members from a single congressional district.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, with the additional provisions to: (a) provide that commission members be appointed by the Governor with the advice and consent of the senate; (b) to increase the membership from three (3) to five (5) members; (c) to provide further for the terms of office and qualifications of commission members; (d) to provide for the annual election of a commission president by and among the

membership of the commission; (e) to provide further for the salaries of members of the commission, effective upon the expiration of the present terms of office of the elected members; (f) to confer all rights and privileges, including retirement system participation, of state employment upon commission members who shall be in the unclassified service of the state; and (g) to repeal conflicting laws.

Section 2. The existence and functioning of the Alabama Public Service Commission pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, are hereby continued.

Section 3. Sections 37-1-3 and 37-1-11, Code of Alabama 1975, are hereby amended to read as follows:

§ 37-1-3.

"(a) The terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday in November, 1940, and every four years thereafter, a president of said commission shall be elected by the qualified electors of this state; and at the election to be held in the state on the first Tuesday after the first Monday in November, 1942, and every four years thereafter, two associates, who, with the president, shall constitute said commission, shall be elected by the qualified electors of the state. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court.

"(b) The persons elected to fill said offices shall enter upon the discharge of their respective duties on the day after the general election at which they are elected and expire on the day after the general election held in the fourth year after their election.

"(c) If any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor with the consent of the senate, the appointee holding for the balance of the unexpired term. Said appointee shall meet the qualifications set out in this section. If any person elected to the office of public service commissioner shall fail or refuse for 30 days to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor with the consent of the senate, the appointee to hold for the term for which the person so failing or refusing to qualify was elected. Said appointee shall meet the qualifications set out in this section.

"(d) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

"(d) (e) The provisions of this section shall not diminish the current term of any member elected to the public service commission.

"(e) Any person seeking the position of associate commissioner one or associate commissioner two shall be required to meet the following qualifications prior to being eligible to seek said position:

"A college degree with a major in either:

"Public Administration

"Accounting

"Business Administration

"Finance or Economics

"Transportation Dept.

"Or hold a professional license as an Attorney, Engineer or Certified Public Accountant.

"In the event no qualified person seeks the associate commissioner one and/or the associate commissioner two positions, the governor, after the election qualifying deadline date, may, with the consent of the senate, fill such vacancy with any resident of the state meeting the proper qualifications.

"The qualification requirements provided in this subsection shall not go into effect until the beginning of the next term of office of the associate commissioners.

"The qualification requirements of this subsection shall not apply to the president of the public service commission."

"§ 37-1-11.

"The president of such commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum. until the terms of office beginning on the first Monday after the second Tuesday in January 1983, at which time the current terms of the elected commission members end. On and after said date, the salary of each commission member shall be set at the same rate of salary as the highest paid cabinet officer of the governor, as is provided by section 36-6-6, Code of Alabama 1975, as now or hereafter amended or supplemented. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Smith, said substitute was laid on the table.

Yeas 17; Nays 12.

Yeas:

Messrs.:	Little	Pearson	Taylor
Clemon	Martin	Robertson	Teague
deGraffenried	McDonald	St. John	Vacca
Denton	Miller	Smith	White
Gulledge	Mitchem		

Nays:

Messrs.:	Figures	Holmes	Lemaster
Barron	Hall	Keener	Parsons
Britnell	Harrison	Kirkland	Weeks
Cook			

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Mr. Smith then offered the following amendment to the Bill, S. B. 279, as amended, to-wit:

AMENDMENT TO S. B. 279

Amend S. B. 279, the title, page 1, line 30, by inserting after the word "commission" the following:

members

Also, in the title, page 1, line 30, amend by inserting after the word "Governor" the following:

from a list of names submitted to him by a public service commission nominating committee

Also, in Section 4, page 3, line 38, by inserting after the word "provided." the following:

The governor shall make the appointment for each commission place from a list of three names submitted to him for each such place by a public service commission nominating committee. Said committee shall be composed of 6 members with 3 members appointed by the Speaker of the House of Representatives and 3 members appointed by the Lieutenant Governor. The term of office of the members of the nominating committee shall run concurrently with that of the office of Lieutenant Governor.

Also, on page 4, line 39, amend by inserting after the word "governor" the following:

as provided in subsection (a) hereof

Also, on page 5, line 8, amend by inserting after the word "governor", the following:

as provided in subsection (a) hereof

Also, on page 5, in subsection (f), line 23, by inserting after the word "governor", the following:

as provided in subsection (a) hereof,

Mr. Bailey moved that said amendment be laid on the table, which motion was lost.

Yeas 9; Nays 19.

Yeas:

Messrs.:	Hall	Little	Robertson
Bailey	Holmes	Parsons	Weeks
Barron	Kirkland		

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Nays:

Messrs.:	Figures	McDonald	Smith
Britnell	Gulledge	Miller	Taylor
Clemon	Keener	Mitchem	Teague
deGraffenried	Lemaster	Pearson	Vacca
Denton	Martin	St. John	White

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And said amendment was then adopted by the Senate.

Yeas 21; Nays 7.

Yeas:

Messrs.:	Figures	Martin	St. John
Britnell	Gulledge	McDonald	Smith
Clemon	Harrison	Miller	Taylor
Cook	Keener	Mitchem	Teague
deGraffenried	Kirkland	Pearson	Vacca
Denton	Lemaster		

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Nays:

Messrs.:	Barron	Holmes	Parsons
Bailey	Hall	Little	Robertson

—7

Mr. Barron offered the following substitute for the Bill, S. B. 279, as amended, to-wit:

SUBSTITUTE FOR SENATE BILL 279, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Public Service Commission, established by Section 37-1-1 of the Code of Alabama 1975, is hereby reorganized so as to consist of seven (7) members, who shall represent seven public service commission districts throughout the state, said districts to correspond numerically and geographically with the state's seven United States Congressional Districts viz: District No. 1 shall be the same as Congressional District No. 1; District No. 2 shall be the same as Congressional District No. 2; District No. 3 shall be the same as Congressional District No. 3; District No. 4 shall be the same as Congressional District No. 4; District No. 5 shall be the same as Congressional District No. 5; District No. 6 shall be the same as Congressional District No. 6; and District No. 7 shall be the same as Congressional District No. 7. Each member of the said commission shall be a resident and qualified elector of the public service commission district which he or she represents.

Section 2. A member of the Public Service Commission from Districts No. 2, No. 5 and No. 6 shall be elected at the general election in 1980 and each six (6) years thereafter for six (6) year terms, each. Members of the Public Service Commission serving when this section become effective shall serve out, as commissioners from Districts No. 4 and No. 3, the terms for which they have been elected members of the commission. Their successors shall be elected at the general election in 1982 and every six (6) years thereafter for six (6) year terms. A member of the Public Service Commission from Districts No. 1 and No. 7 shall be elected at the general election in 1980 for a term of four (4) years each and their successors shall be elected at the general election in 1984 and every six (6) years thereafter for terms of six (6) years, each. The members of the commission shall be elected by the qualified electors of the district they represent.

Section 3. The persons elected to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election, and shall continue until their successors are elected and qualified. On this same day, and every two (2) years thereafter, the Public Service Commission shall meet in an organizational session to select a chairman by a majority vote of the members of the commission. In the event that the chair should become vacant, an emergency organizational session shall be called by the Governor, not later than thirty (30) days after said chair has become vacant, for the purpose of selecting a chairman to serve for the remainder of the unexpired term.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Mr. Teague moved that said substitute be laid on the table, which motion was lost.

Yeas 15; Nays 16.

Yeas:

Messrs.:	Gulledge	Mitchem	Taylor
Callahan	Keener	Pearson	Teague
Clemon	Martin	St. John	Vacca
Denton	McDonald	Smith	White

—15

Nays:

Messrs.:	deGraffenried	Holmes	Parsons
Bailey	Figures	Kirkland	Proctor
Barron	Hall	Lemaster	Robertson
Britnell	Harrison	Little	Weeks
Cook			

—16

And said substitute for the Bill, S. B. 279, as amended, was then adopted.

REGULAR SESSION
11th Day

505

Yeas 16; Nays 14.

Abstaining 1.

Yeas:

Messrs.:	Hall	Kirkland	Parsons
Bailey	Harrison	Lemaster	Proctor
Barron	Holmes	Little	Robertson
Britnell	Keener	McDonald	Weeks
Figures			—16

Nays:

Messrs.:	Denton	Mitchem	Teague
Callahan	Gulledge	Pearson	Vacca
Clemon	Martin	St. John	White
deGraffenried	Miller	Smith	—14

Abstaining: Mr. Taylor —1

Mr. Cook offered the following substitute for the Bill, S. B. 279, as amended, to-wit:

SUBSTITUTE FOR S. B. 279 AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to provide further for the qualifications of members, method of filling vacancies, compensation, and the number of members from a single congressional district.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, with the additional provisions to: (a) provide that commission members be appointed by the Governor with the advice and consent of the senate; (b) to increase the membership from three (3) to five (5) members; (c) to provide further for the terms of office and qualifications of commission members; (d) to provide for the annual election of a commission president by and among the membership of the commission; (e) to provide further for the salaries of

members of the commission, effective upon the expiration of the present terms of office of the elected members; (f) to confer all rights and privileges, including retirement system participation, of state employment upon commission members who shall be in the unclassified service of the state; and (g) to repeal conflicting laws.

Section 2. The existence and functioning of the Alabama Public Service Commission pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, are hereby continued.

Section 3. Sections 37-1-3 and 37-1-11, Code of Alabama 1975, are hereby amended to read as follows:

"§ 37-1-3.

"(a) The terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday in November, 1940, and every four years thereafter, a president of said commission shall be elected by the qualified electors of this state; and at the election to be held in the state on the first Tuesday after the first Monday in November, 1942, and every four years thereafter, two associates, who, with the president, shall constitute said commission, shall be elected by the qualified electors of the state. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court.

"(b) The persons elected to fill said offices shall enter upon the discharge of their respective duties on the day after the general election at which they are elected and expire on the day after the general election held in the fourth year after their election.

"(c) If any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor with the consent of the senate, the appointee holding for the balance of the unexpired term. Said appointee shall meet the qualifications set out in this section. If any person elected to the office of public service commissioner shall fail or refuse for 30 days to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor with the consent of the senate, the appointee to hold for the term for which the person so failing or refusing to qualify was elected. Said appointee shall meet the qualifications set out in this section.

"(d) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

"(d) (e) The provisions of this section shall not diminish the current term of any member elected to the public service commission.

"(e) Any person seeking the position of associate commissioner one or associate commissioner two shall be required to meet the following qualifications prior to being eligible to seek said position:

"A college degree with a major in either:

"Public Administration

"Accounting

"Business Administration

"Finance or Economics

"Transportation Dept.

"Or hold a professional license as an Attorney, Engineer or Certified Public Accountant.

"In the event no qualified person seeks the associate commissioner one and/or the associate commissioner two positions, the governor, after the election qualifying deadline date, may, with the consent of the senate, fill such vacancy with any resident of the state meeting the proper qualifications.

"The qualification requirements provided in this subsection shall not go into effect until the beginning of the next term of office of the associate commissioners.

"The qualification requirements of this subsection shall not apply to the president of the public service commission."

"§ 37-1-11.

"The president of such commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum. until the terms of office beginning on the first Monday after the second Tuesday in January 1983, at which time the current terms of the elected commission members end. On and after said date, the salary of each commission member shall be set at the same rate of salary as the highest paid cabinet officer of the governor, as is provided by section 36-6-6, Code of Alabama 1975, as now or hereafter amended or supplemented. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. St. John, said substitute was laid on the table.

Yeas 18; Nays 14.

Yeas:

Messrs.:	Figures	Miller	Taylor
Britnell	Gulledge	Mitchem	Teague
Clemon	Keener	Pearson	Vacca
deGraffenried	Martin	St. John	White
Denton	McDonald	Smith	

Nays:

Messrs.:	Cook	Kirkland	Proctor	
Bailey	Hall	Lemaster	Robertson	
Barron	Harrison	Little	Weeks	
Callahan	Holmes	Parsons		—14

On motion of Mr. Keener, the Senate reconsidered the vote by which the Barron substitute for the Bill, S. B. 279, as amended, was adopted.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Figures	Miller	Smith	
Callahan	Gulledge	Mitchem	Teague	
Clemon	Keener	Pearson	Vacca	
deGraffenried	Martin	St. John	White	
Denton	McDonald			—17

Nays:

Messrs.:	Cook	Kirkland	Proctor	
Bailey	Hall	Lemaster	Robertson	
Barron	Harrison	Little	Taylor	
Britnell	Holmes	Parsons		—14

And said substitute for the Bill, S. B. 279, as amended, was then lost.

Yeas 14; Nays 17.

Yeas:

Messrs.:	Cook	Kirkland	Proctor	
Bailey	Hall	Lemaster	Robertson	
Barron	Harrison	Little	Weeks	
Britnell	Holmes	Parsons		—14

Nays:

Messrs.:	Gulledge	Mitchem	Taylor	
Clemon	Keener	Pearson	Teague	
deGraffenried	Martin	St. John	Vacca	
Denton	McDonald	Smith	White	
Figures	Miller			—17

And said Bill, S. B. 279, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 13.

Yeas:

Messrs.:	Denton	McDonald	Smith	
Britnell	Figures	Miller	Taylor	
Callahan	Gulledge	Mitchem	Teague	
Clemon	Keener	Pearson	Vacca	
deGraffenried	Martin	St. John	White	

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Nays:

Messrs.:	Harrison	Little	Robertson
Bailey	Holmes	Parsons	Weeks
Barron	Kirkland	Proctor	
Cook	Lemaster		
Hall			

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REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Pegues and Hilliard:

H. 360. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

By Rep. Pegues:

H. 361. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

By Rep. Hilliard:

H. 362. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

By Rep. Hilliard:

H. 363. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

By Reps. Hilliard and Hammett:

H. 364. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

By Reps. Pegues, Whatley, Hilliard and Hammett:

H. 365. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

By Reps. Whatley and Hilliard:

H. 366. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

By Rep. Hammett:

H. 367. Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

By Reps. Hilliard and Hammett:

H. 368. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

By Rep. Pegues:

H. 369. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

By Reps. Pegues and Hilliard:

H. 370. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

By Rep. Pegues:

H. 371. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

By Rep. Cosby:

H. 372. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

By Reps. Pegues and Hilliard:

H. 373. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

By Reps. Whatley and Hilliard:

H. 374. Relating to radiation control; and relating to the existence and functioning of the State Radiation control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

By Reps. Cosby and Pegues:

H. 375. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which sections requires surety bond from applicants.

By Rep. Pegues:

H. 376. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

By Rep. Whatley:

H. 377. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

By Rep. Cosby:

H. 378. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Whatley (With Substitute):

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state for a period of one year.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar to-wit:

By Reps. Cosby, Hilliard and Whatley:

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

By Rep. Whatley:

H. 381. To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

By Rep. Hammett:

H. 382. To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Pegues and Hilliard (With Substitute) (With Amendments):

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 423. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

By Mr. St. John:

S. 424. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor.

By Mr. St. John:

S. 425. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

By Mr. Little:

S. 429. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Sandusky (With Notice and Proof):

H. 191. Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Mr. Holmes:

S. 112. To establish the Alabama State Register of Rules and Regulations; to require that all rules and regulations issued by certain state agencies be filed with the Secretary of State and be subject to public inspection; and to make null and void any rule or regulation not filed in compliance with this Act.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. deGraffenried, Keener, St. John and Proctor:

S. 105. The purpose of this bill is to amend § 41-13-21, Code of Alabama 1975, providing for the determination by the state records commission of those state records which may be destroyed and those which must be preserved; to provide that records of the courts within the unified judicial system may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the supreme court; to further provide that any retention schedules pertaining to court records previously adopted pursuant to law shall be superseded with respect to such records by any retention schedule which may subsequently be prescribed by rule of the supreme court; and to provide for the repeal of all provisions of law in conflict with this act.

By Mr. Bailey:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

By Mr. Bailey:

S. 135. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

ADJOURNMENT

At 10:20 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 3, 71, and 116, the Senate adjourned until Wednesday, March 12, 1980, at 11 o'clock A.M.

TWELFTH LEGISLATIVE DAY
WEDNESDAY, MARCH 12, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Honorable Wallace Miller, 25th Senatorial District.

ROLL CALL

Present:

Messrs.:	Figures	Little	Robertson
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Clemon	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Higginbotham for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Also:

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum date required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Also:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S.R. 79. BE IT RESOLVED BY THE SENATE in accordance with Act 79-542 the following bills in order named shall be the special, paramount and continuing order of business:

Bill No.	Page No.	Description
H. B. 382	14	Mental Health Bd.
H. B. 381	13	Boxing & Wrestling Commission
H. B. 380	12	ABC Board
H. B. 379	12	Barbers Bd.
H. B. 383	14	Public Service Commission
H. B. 360	1	State Health Planning and Dev.
H. B. 361	2	State Board of Health Comm. on Public Health
H. B. 362	2	Alabama Highway Finance Corp.
H. B. 363	3	Alabama Highway Auth.
H. B. 364	3	Governor's Comm. on Emp. of Handicapped
H. B. 365	4	State Forestry Commission

H. B. 366	4	Dauphin Island Bridge Auth.
H. B. 367	5	Bd. of Pensions & Sec.
H. B. 368	5	Alabama Turnpike Auth.
H. B. 369	6	Dept. of Insurance
H. B. 370	6	Alabama Dairy Commission
H. B. 371	7	Alabama Dairy Commission
H. B. 372	7	Alabama Water Improvement
H. B. 373	8	Statewide Health Coord. Counc.
H. B. 374	9	Radiation Control Agency
H. B. 375	9	Alabama Water Wells Stds. Bd.
H. B. 376	10	Department of Aeronautics.
H. B. 377	11	Alabama Anatomical Bd.
H. B. 378	11	State Toll Bridge Auth.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

SPECIAL ORDER
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 382. To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

And said Bill, H. B. 382, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Mitchem	Vacca
Cook	Holmes	Parsons	White
deGraffenried			

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Nays:

—0

The Bill:

H. 381. To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	St. John
Bailey	Goodwin	Little	Smith
Barron	Gulledge	Martin	Taylor
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Mitchem	Vacca
Cook	Holmes	Parsons	White
deGraffenried	Keener	Robertson	

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Nays:

—0

The Bill:

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama, and as otherwise provided by law.

was taken up.

Mr. White moved that further consideration of the Bill, H. B. 380, be postponed temporarily.

On motion of Mr. Bailey, the motion to postpone was laid on the table.

Yeas 18; Nays 9.

Yeas:

Messrs.:	Denton	Lemaster	Mitchem	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Teague	
deGraffenried	Holmes	Miller		—18

Nays:

Messrs.:	Cook	St. John	Weeks	
Callahan	Goodwin	Vacca	White	
Clemon	Keener			—9

On motion of Mr. deGraffenried, further consideration of the Bill, S. B. 380, was postponed for 15 minutes.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Also:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provided for an effective date.

Also:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Also:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Also:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state for a period of one year.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H.B. 379, to-wit:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 379

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; repealing said Sections 34-5-1 through 34-5-16 which relate to the present board of barber examiners, and providing further for the licensing and practice of barbering and barber colleges; creating a new board of barber examiners; and providing penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission with a complete re-organization of the present board of barber examiners, and to repeal Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, under which the present board operates.

Section 3. The existence and functioning of the Alabama Board of Barber Examiners is hereby continued as herein provided in Sections 4 through 19.

Section 4. "The Practice of Barbering" as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally.

Section 5. No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the Board of Barber Examiners.

No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter has a certificate of registration as a registered barber or apprentice, issued by the Board of Barber Examiners.

No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop. No barber shop will have more than three apprentice barbers at one time.

Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

Students entering barber school must register with the State Barber Board and furnish current health certificate, and pay application fee of five dollars (\$5.00).

The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under the rules prescribed by the said board and shall include both practical demonstrations, written and oral test in reference to the practices for which a license is applied and such related studies as subjects for which a license is applied and such related studies or subjects as the board may determine necessary for the proper and efficient performance of such practices.

Section 6. Any person who can establish within six (6) months after the passage of this act that he is a barber or an apprentice as defined under this act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this act. This section will not be construed to mean anyone except the barbers now practicing in the State of Alabama and instructors in barber colleges under the State Vocational Schools.

All instructors operating under the State Vocational Schools shall be exempt from qualifying fees. The instructors shall receive an instructors certificate by paying the annual renewal fee as this act prescribes. All future instructors will be subject to all provisions of this act relating to instructors or assistant instructors.

All state operated barber colleges shall be exempt from fees.

Section 7. No person shall act as instructor or assistant instructor in a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor or an assistant instructor at the barber college unless he has a current and valid certificate of registration as an instructor or assistant instructor, issued by the Board of Barber Examiners.

The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all the following:

(1) He files an application with the board in such form as it may prescribe, accompanied by the required fee.

(2) He is of good moral character and temperate habits.

(3) He holds a diploma evidencing successful completion of high school, or has the equivalent education determined by an examination conducted by the board and approved by the Vocational Educational Division of the Department of Education.

(4) He has held a valid certificate of registration as a barber in Alabama and has practiced barbering in Alabama for at least the last three years before issuance of the instructor's certificate.

(5) He has graduated from a barber college in a course embracing all the theory and scientific manipulation taught in barber schools.

(6) He satisfactorily passes an examination conducted by the board to determine his fitness to be an instructor.

(7) All instructors and assistant instructors must complete a forty (40) hour advanced training course semi-annually. This course will be under the supervision of the State Barber Board.

Assistant instructors must comply with each of the above requirements in order to obtain a certificate of registration as an assistant instructor except that they need have held a barber's certificate and practiced barbering in Alabama for only 18 months prior to the issuance of the assistant's certificate of registration.

Section 8. No person shall be admitted to examinations or receive a license to practice barbering under this act, except as otherwise provided in this act, unless such person shall possess the following qualifications:

- (1) He shall pay the original licensing fee as hereinafter provided for;
- (2) He is at least 18 years of age;
- (3) He is of good moral character and temperate habits;
- (4) He has practiced as a registered apprentice in Alabama for not less than eighteen (18) months under the immediate supervision of a registered barber; and
- (5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice barbering.

Any applicant for such a certificate of registration who fails to satisfactorily pass an examination conducted by the board shall have the right to apply again for another examination after a period of six (6) months and he may continue to apply every six (6) months thereafter until he has passed such examination, provided he has practiced as an apprentice during said time.

No person shall be admitted to examination or receive a license as an apprentice under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

- (1) He shall pay the original licensing fee as hereinafter provided for;
- (2) He is at least 16 years of age;
- (3) He is of good moral character and temperate habits;
- (4) He has graduated from a barber college or school of barbering approved by the board; and
- (5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice as a registered apprentice.

Section 9. As used in this act, "Barber College" includes a school of barbering, college of barbering, barber school, and any other place or institution for the instruction or training of persons in the practice of barbering.

No person shall operate a barber college unless he holds a certificate of registration in good standing therefor issued by the board and unless such certificate is displayed at all times in a conspicuous place on the premises.

The board shall issue a certificate of registration for each college which complies with this act and regulations of the board.

An applicant for a certificate of registration to operate a barber college shall file an application with the board in such form as the board may prescribe, accompanied by the fee required by this act. Upon receipt of the application, the board shall require the applicant, if an individual, or if the applicant is a firm partnership or corporation, a partner or officer thereof, to appear personally before the board and submit information, in such form as the board may by regulation prescribe, showing:

- (1) The location of the proposed college and its physical facilities and equipment;
- (2) The proposed maximum number of students to be trained at one time and the number of instructors to be provided;
- (3) The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;
- (4) The financial ability of the applicant to operate the college in accordance with the requirements of this act and the regulations of the board; and
- (5) Such other information as the board considers necessary.

Prior to the issuance of the certificate, the board or its representative shall inspect the college and shall determine that it complies with this act and the regulations of the board. Before making such inspection, the board may require the applicant to furnish such evidence as is necessary to show compliance with any local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

Section 10. For the purposes of the act and the regulations of the board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a barber college, and a separate certificate shall be required for each. However, facilities at which the practice of barbering or any part thereof is taught which was operated or maintained by a college in the same central area as the main establishment of the college shall not be deemed for the purposes of this act, to be a separate college. No such facility shall be operated or maintained by a college until and unless each has been inspected and approved by the board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this act paid and a certificate to operate and maintain the particular facility is issued by the board.

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located, giving particular consideration to:

- (1) The economic character of the community;
- (2) The adequacy of existing barber shops and barber colleges in that community;
- (3) The ability of the community to support the proposed barber college;
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities;
- (5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities; and
- (6) The expressed opinion of the registered barbers in the area of the proposed college, as evidenced in person or by written petition to the board.

No barber college shall be approved by the board unless it requires as a prerequisite to graduation a course or instruction of not less than 1500 hours. The board shall approve all hours of instructions given by any of the state educational institutions and schools.

The course of instruction shall include the following subjects: scientific fundamentals of barbering, hygiene, bacteriology; history of the head, face and neck; elementary chemistry as it relates to sterilization and asepsis, diseases of the skin, hair glands, and the massaging and manipulation of the muscle of the body above the seventh cervical vertebra; hair cutting and shaving; and tinting of the hair.

Section 11. The board shall have the power to refuse, revoke and suspend licenses and certificates strictly in accordance with the provisions of the act upon proof of violation of any sections of the act.

The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this act. Provided, however, the board shall not on any of the grounds in this section stated, refuse to issue or renew any license or certificate nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least 20 days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business.

Findings made by the board are deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given an aggrieved party, said aggrieved person shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery County. In event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit of the Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The circuit court shall have the right to affirm, reverse or affirm in part or reverse in part the finding of the board and shall render such final judgment as to the court may seem just and proper.

In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

Section 12. The holder of a certificate or license issued by said board as provided by this act, who continues in active practice of said profession within the meaning of this act, shall on or before the first day of January renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year.

The holder of the expired certificate or license may have within three (3) years of the date of expiration, the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession.

Section 13. Any person, firm or corporation who shall engage in any of the practices designated to be within the meaning of this act, or act in any capacity wherein a certificate or license is required without a certificate or license provided in this act, or shall in any other form or manner violate any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than \$100.00 or shall be imprisoned for no more than ninety (90) days or both, and if a corporation, shall be punished by a fine of not less than \$500.00. After official notice of such violation, each day of operation or practice constitutes a separate violation.

Section 14. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this act shall be as follows:

(1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;

(2) For an examination to determine the qualification of an applicant from another state, not to exceed \$50.00;

(3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor not to exceed \$150.00;

(4) For the issuance of the initial certificate to operate a barber college, not to exceed \$50.00;

(5) For such annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$50.00;

(6) For each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;

(7) For the restoration of an expired certificate except for a barber college, not to exceed \$50.00;

(8) For the restoration of an expired certificate for a barber college, not to exceed \$100.00;

(9) For annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber or apprentice in said shop;

(10) For the issuance of any duplicate certificate, \$3.00.

(11) For each annual renewal of a barber's or apprentice's certificate, \$20.00.

Section 15. Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

Section 16. Receipts and expenses of board. All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within the state designated by the board. Such funds shall be expended for carrying out the purpose of the act and may be withdrawn on order of the Executive Officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the Chief Examiner of Public Accounts of the State of Alabama.

Section 17. There is hereby created the Alabama Board of Examiners, to consist of five (5) persons. Such board shall be appointed by the Governor of the State of Alabama, one person appointed for the term of one year, one person for a term of two years, one person for a term of three years, one person for a term of four years and one person for a term of five years and until their successors are appointed and qualified.

Each member of said board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment.

The succeeding members of said board shall serve for five (5) years. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. Said board may do all things necessary and convenient for enforcing the provisions of this act. They may from time to time promulgate necessary rules and regulations compatible with the provisions of this act, and the State Board of Health.

The members of the board shall annually elect from among their numbers a president, a vice-president and appoint an executive secretary. The executive secretary need not be a member of the board. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this act. The compensation of said personnel shall be paid out of the funds received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money before entering upon the discharge of his duties, shall file with the treasurer of the State of Alabama, a good and sufficient bond in the penal sum of \$10,000, payable to the State of Alabama, to ensure the faithful performance of his or her duties as such executive secretary, and the premium on such bond shall be paid out of the funds of the board.

The executive secretary of the board shall be paid a salary as determined by the board, to be paid semi-monthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the board.

Each member of the board shall receive compensation fixed by the board, not to exceed \$60.00 per diem while engaged in the discharge of his official duties and necessary expenses plus mileage as set forth by the State of Alabama for necessary travel invalued in such official duties, not to exceed 30 days in any one calendar year.

The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operation of this act.

The board shall meet in the City of Montgomery, Alabama, on the second Monday in January, April, July and October of each year, and at such other times and places as the board may direct. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts.

The said board shall keep a permanent record of its proceedings. It shall keep a register of applications for certificate or license showing the name and location of his or her place of occupation or business and whether the applicant was granted or refused a license. The books and records of the board shall be prima facie evidence of the matters therein contained, which constitutes public records and shall at all reasonable times be open for public inspection.

The State Board of Barber Examiners shall work with, seek the advice and cooperate with the State Health Department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the State of Alabama.

The State Board of Examiners shall work with, seek the advice and cooperate with the State Department of Education on matters of establishing education of applicants for barber schools or applicants for apprentice license, or applicants for a certificate as a journeyman barber.

Section 18. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts, or ordinances shall remain in their entirety in full force and effect.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. Sections 34-5-1 through 34-5-16 and any other laws or parts of law in conflict herewith are hereby repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Denton offered the following amendment to the substitute for the Bill, H. B. 379, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 379.

Amend Committee substitute for House Bill No. 379 Page 16 Line 31, by inserting after the word effect, "all counties heretofore exempt under present laws are hereby exempted from any of the provisions of this act."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

REGULAR SESSION
12th Day

529

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Holmes	Miller	Teague
Cook	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	White
Denton	Lemaster		

—25

Nays: —0

And said Bill, H. B. 379, as thus amended by the substitute, was read a third time at length and passed.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Pearson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Smith
Cook	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Teague
Denton	Lemaster	Parsons	Vacca

—23

Nay: Mr. White —1

FURTHER CONSIDERATION OF H.B. 380

The Senate proceeded to further consideration of the Bill, H.B. 380.

And said Bill, H.B. 380, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson
Bailey	Harrison	Martin	St. John
Barron	Holmes	McDonald	Smith
Britnell	Keener	Miller	Taylor
Cook	Kirkland	Parsons	Vacca
deGraffenried	Lemaster	Pearson	White
Denton			

—24

Nays: —0

Mr. Barron moved that the Senate reconsider the vote by which the Bill, H.B. 380, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Section 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 268, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S.B. 268

Amend S.B. 268, on page 3, line 10, by striking the word delivery and inserting in lieu thereof the word deliver.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Holmes	Mitchem	Smith
Barron	Keener	Parsons	Taylor
Britnell	Little	Pearson	Teague
Denton	McDonald	Robertson	Vacca
Harrison	Miller	St. John	White

—19

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 262, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S.B. 262

Amend Senate Bill 262, page 4, line 20 by removing the period (.) after the word "notification" and adding the following: ", except that members of the legislature shall be notified of such hearings by at least ten (10) days prior to the hearing date."

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Miller	Taylor
Barron	Harrison	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
deGraffenried	Keener	St. John	White
Denton	Kirkland		

—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 273. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama, 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Smith moved that the Senate non-concur in the following House amendment to the Bill, S.B. 273, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 273

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony

from the public and all interested parties relating to the continued existence and functioning of the state board of pensions and security. Based on its review and evaluation of the said board, the Sunset Committee voted to recommend the continuance of the said department, created and functioning pursuant to Title 38 of the Code of Alabama 1975, and hereby recommends the continuance of the said board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Title 38 of the Code of Alabama 1975, relating to the board of pensions and security of the State of Alabama is hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and request a Committee on Conference.

Mr. Little offered a substitute motion that the Senate concur in said House amendment to the Bill, S.B. 273.

Mr. White moved that the motion to concur be laid on the table which motion was lost.

Yeas 2; Nays 28.

Yeas: Messrs.: Smith, White.

—2

Nays:

Messrs.:	Figures	Kirkland	Pearson
Barron	Goodwin	Lemaster	Proctor
Britnell	Gulledge	Little	St. John
Callahan	Hall	Martin	Taylor
Clemon	Harrison	McDonald	Teague
Cook	Holmes	Miller	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton			

—28

The question was then on the motion of Mr. Little, which was adopted, and the Senate concurred in the House amendment to the Bill, S.B. 273.

Yeas 28; Nays 3.

Yeas:

Messrs.:	Figures	Kirkland	Pearson
Bailey	Goodwin	Little	Proctor
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Clemon	Holmes	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
Denton			

—28

Nays: Messrs.: Robertson, Smith, White.

—3

The Bill:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H.B. 383, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 383

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, with the additional provisions to: (a) provide that commission members be appointed by the Governor with the advice and consent of the senate; (b) to increase the membership from three (3) to five (5) members; (c) to provide further for the terms of office and qualifications of commission members; (d) to provide for the annual election of a commission president by and among the membership of the commission; (e) to provide further for the salaries of members of the commission, effective upon the expiration of the present terms of office of the elected members; (f) to confer all rights and privileges, including retirement system participation, of state employment upon commission members who shall be in the unclassified service of the state, and (g) to repeal conflicting laws.

Section 3. The existence and functioning of the Alabama Public Service Commission pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, are hereby continued.

Section 4. Section 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 37-1-1.

"A commission to be known as the Public Service Commission consisting of a President and two associates five (5) members who shall be competent persons and qualified electors of the State, and who shall possess such other qualifications as may be required by Section 37-1-3 of the Code of Alabama 1975, is hereby established."

"§ 37-1-3.

"(a) Until the year 1981, The the terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday in November, 1940, and every four years thereafter, a president of said commission shall be elected by the qualified electors of this state; and at the election to be held in the state on the first Tuesday after the first Monday in November, 1942, and every four years thereafter, two associates, who, with the president, shall constitute said commission, shall be elected by the qualified electors of the state. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court. Upon the effective date of this amendatory act, all members of the commission serving elected terms of office shall continue to serve until the expiration of their respective terms, and thereafter, **their successors shall be appointed by the Governor, with the advice and consent of the state senate as herein provided. The successor to the incumbent President, or the person selected to fill any vacancy occurring in the presidency upon the effective date of this amendatory act, shall be appointed as an associate member for a term of three (3) years which commences on the first Monday after the second Tuesday in January, 1981. Thereafter, successors shall be appointed for terms of five (5) years, commencing on the first Monday after the second Tuesday in the years of the appointment. The successors to the incumbent associate commissioners shall be appointed one member for a term of four (4) years and one member for a term of five (5) years which terms shall commence on the first Monday after the second Tuesday in January, 1983. Thereafter, their successors shall be appointed for terms of five (5) years. After the term of the incumbent President expires, the President of the Commission shall be chosen annually by a majority vote of the members of the Commission, and any member shall be eligible for re-election as president.**

"(b) Within one hundred and twenty (120) calendar days after this amendatory act becomes law, two new members of the Commission shall be appointed as follows: One additional member shall be appointed for a four (4) year term and the other additional member for a term of five (5) years, which terms shall commence on the first Monday after the second Tuesday in January, 1981. Thereafter, all successors to the newly created members shall serve terms of office for five (5) years. Any member shall be eligible for re-appointment for an unlimited number of terms provided his re-appointment is confirmed by the state senate.

"(b)(c) Except as otherwise provided herein The the persons elected appointed to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election appointment, and shall continue in office until their successors are elected appointed and qualified.

"(c)(d) If any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor, the appointee holding for the balance of the unexpired term.

If any person elected to the office of public service commissioner shall fail or refuse for 30 days to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor, the appointee to hold for the term for which the person so failing or refusing to qualify was elected.

"(d) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

"(e) The provisions of this section shall not diminish the current term of any member elected to the public service commission.

"(f) No person shall be eligible for appointment by the governor unless the governor is satisfied that the person is competent and knowledgeable in one or more fields which include but are not limited to: public affairs, law, economics, accounting, engineering, finance, energy, communications, transportation, management or another field substantially related to the duties and functions of the Public Service Commission.

"(g) Members of the Public Service Commission shall be in the unclassified service of the state with entitlement to all benefits and programs available to state personnel under the provisions of the State merit system, including, but not limited to, participation in the state employees' retirement system."

"§ 37-1-11.

"The president of such commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum until the terms of office beginning on the first Monday after the second Tuesday in January 1983, at which time the current terms of the elected commission members end. On and after said date, the salary of each commission member shall be set at the same rate of salary as the highest paid cabinet officer of the governor, as is provided by section 36-6-6, Code of Alabama 1975 as now or hereafter amended or supplemented. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Governmental Affairs then reported the following amendment to the Committee substitute for the Bill, H.B. 383, to-wit:

COMMITTEE AMENDMENT NO. 1 TO
COMMITTEE SUBSTITUTE TO H.B. 383

On page 2, Section 1, subsection (a), lines 23 and 24, strike the following language: with the advice and consent of the Senate

and insert in lieu thereof:

and such appointees shall be confirmed by the Senate of the State of Alabama within 30 calendar days, if the Legislature is in session at the time of such appointment; however, in the event the Legislature is not in session at the time of such appointment the Senate must confirm the appointment within 30 calendar days after the convening of the next session of the Legislature or such appointment will be voided and the office will be vacated.

On page 3, Section 4, the 3rd and 2nd line from the bottom of the page, strike the following language: with the advice and consent of the state senate as herein provided.

and insert in lieu thereof:

provided such appointment is confirmed by the Senate of the State of Alabama as herein provided in Section 1 above.

On page 4, Section 4, subsection (b), strike the following last two words: state senate

and insert in lieu thereof:

senate of the State of Alabama as herein provided in Section 1 above.

On page 4, Section 4, subsection (d) strike the period after the word "term" and insert the following language:

subject to confirmation by the senate of the State of Alabama as herein provided in Section 1 above.

On motion of Mr. White, said amendment was laid on the table.

The Standing Committee on Governmental Affairs then reported the following amendment to the Committee substitute for the Bill, S.B. 383, to-wit:

COMMITTEE AMENDMENT NO. 2
TO COMMITTEE SUBSTITUTE FOR H.B. 383

On page 5, immediately following the new underlined subsections (f), in subsection (g), strike the first word "Members" and insert in lieu thereof the underlined words and phrases:

Effective January 1, 1983 members

On motion of Mr. White, said amendment was laid on the table.

Mr. Teague offered the following substitute for the Committee substitute for the Bill, S.B. 383, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR H.B. 383

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission members provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections

37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor from a list of names submitted to him by a Public Service Commission nominating committee with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, with the additional provisions to: (a) provide that commission members be appointed by the Governor and such appointees shall be confirmed by the Senate of the State of Alabama within 30 calendar days, if the legislature is in session at the time of such appointment; however, in the event the legislature is not in session at the time of such appointment the Senate must confirm the appointment within 30 calendar days after the convening of the next session of the legislature or such appointment will be voided and the office will be vacated; (b) to increase the membership from three (3) to five (5) members; (c) to provide further for the terms of office and qualifications of commission members; (d) to provide for the annual election of a commission president by and among the membership of the commission; (e) to provide further for the salaries of members of the commission, effective upon the expiration of the present terms of office of the elected members; (f) to confer all rights and privileges, including retirement system participation, of state employment upon commission members who shall be in the unclassified service of the state, and (g) to repeal conflicting laws.

Section 3. The existence and functioning of the Alabama Public Service Commission pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, are hereby continued.

Section 4. Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 37-1-1. A commission to be known as the Public Service Commission consisting of a President and two associates five (5) members who shall be competent persons and qualified electors of the State, and who shall possess such other qualifications as may be required by Section 37-1-3 of the Code of Alabama 1975, is hereby established."

"§ 37-1-3. (a) Until the year 1981, The the terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday in November, 1940, and every four years

thereafter, a president of said commission shall be elected by the qualified electors of this state; and at the election to be held in the state on the first Tuesday after the first Monday in November, 1942, and every four years thereafter, two associates, who, with the president, shall constitute said commission, shall be elected by the qualified electors of the state. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court. Upon the effective date of this amendatory act, all members of the commission serving elected terms of office shall continue to serve until the expiration of their respective terms, and thereafter, their successors shall be appointed by the Governor, provided such appointment is confirmed by the Senate of the State of Alabama as herein provided in Section 1 above. The governor shall make the appointment for each commission place from a list of three names submitted to him for each such place by a public service commission nominating committee. Said committee shall be composed of 6 members with 3 members appointed by the Speaker of the House of Representatives and 3 members appointed by the Lieutenant Governor. The term of office of the members of the nominating committee shall run concurrently with that of the office of Lieutenant Governor. The successor to the incumbent President, or the person selected to fill any vacancy occurring in the presidency upon the effective date of this amendatory act, shall be appointed as an associate member for a term of three (3) years which commences on the first Monday after the second Tuesday in January 1981. Thereafter, successors shall be appointed for terms of five (5) years, commencing on the first Monday after the second Tuesday in the years of the appointment. The successors to the incumbent associate commissioners shall be appointed one member for a term of four (4) years and one member for a term of five (5) years which terms shall commence on the first Monday after the second Tuesday in January 1983. Thereafter, their successors shall be appointed for terms of five (5) years. After the term of the incumbent President expires, the President of the Commission shall be chosen annually by a majority vote of the members of the Commission, and any member shall be eligible for re-election as president.

"(b) Within one hundred and twenty (120) calendar days after this amendatory act becomes law, two new members of the Commission shall be appointed as follows: One additional member shall be appointed to a four (4) year term and the other additional member for a term of five (5) years, which terms shall commence on the first Monday after the second Tuesday in January 1981. Thereafter, all successors to the newly created members shall serve terms of office for five (5) years. Any member shall be eligible for re-appointment for an unlimited number of terms provided his re-appointment is confirmed by the Senate of the State of Alabama as herein provided in Section 1 above.

"(b)(c) Except as otherwise provided herein The the persons elected appointed to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election appointment, and shall continue in office until their successors are elected appointed and qualified.

"(c)(d) if any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor, as provided in subsection (a) hereof the appointee holding for the balance of the unexpired term. subject to confirmation by the senate of the State of Alabama as herein provided in Section 1 above. If any person elected to the office of public service commissioner shall fail or refuse for 30 days to

qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor as provided in subsection (a) hereof, the appointee to hold for the term for which the person so failing to refusing to qualify was elected.

"(d) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

"(e) The provisions of this section shall not diminish the current term of any member elected to the public service commission.

"(f) No person shall be eligible for appointment by the governor as provided in subsection (a) hereof unless the governor is satisfied that the person is competent and knowledgeable in one or more fields which include but are not limited to: public affairs, law, economics, accounting, engineering, finance, energy, communications, transportation, management or another field substantially related to the duties and functions of the Public Service Commission.

"(g) Effective January 1, 1983 members of the Public Service Commission shall be in the unclassified service of the state with entitlement to all benefits and programs available to state personnel under the provisions of the state merit system, including, but not limited to, participation in the state employees' retirement system."

"§ 37-1-11.

"The president of such commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum, until the terms of office beginning on the first Monday after the second Tuesday in January 1983, at which time the current terms of the elected commission members end. On and after said date, the salary of each commission member shall be set at the same rate of salary as the highest paid cabinet officer of the governor, as is provided by section 36-6-6, Code of Alabama 1975, as now or hereafter amended or supplemented. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Mr. White offered the following substitute for the Committee substitute, as amended, for the Bill, H.B. 383, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE,
AS AMENDED, FOR H.B. 383A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter consist of three (3) elected members and two (2) members appointed by the Governor with Senate confirmation; increasing the membership of said commission to five (5); providing further for the terms of office and qualifications of members; providing further for the salaries of members, effective upon the expiration of the present term of office of the president; providing for the annual election of a president from among commission members; and repealing existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, with the additional provisions to: (a) Provide that three (3) commission members be elected and two (2) members be appointed by the Governor with the advice and consent of the Senate; (b) to increase the membership from three (3) to five (5) members; (c) to provide further for the terms of office and qualifications of commission members; (d) to provide for the annual election of a commission president by and among the membership of the commission (e) to provide further for the salaries of members of the commission, effective upon the expiration of the present term of office of the president; and (f) to repeal conflicting laws.

Section 2. The existence and functioning of the Alabama Public Service Commission pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law, are hereby continued.

Section 3. Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, are hereby amended to read as follows:

§ 37-1-1.

"A commission to be known as the public service commission, consisting of a president and two associates five (5) members who shall be competent persons and qualified electors of the state, and who shall possess such other qualifications as may be required by Section 37-1-3 of the Code of Alabama 1975, is hereby established."

"§ 37-1-3.

"(a) The terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday in November, 1940, and every four years thereafter, a president member of said commission shall be elected by the qualified electors of this state; and at the election to be held in the state on the first Tuesday after the first Monday in November, 1942, and every four years thereafter, two associates, who, with the president, shall constitute said commission. shall be elected by the qualified electors of the state. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court. Upon the effective date of this act, the commission shall consist of three (3) members who are elected in a manner set forth under (a) supra, and two (2) members who shall be appointed by the Governor, with the advice and consent of the state senate as herein provided. After the term of the incumbent president expires, the president of the commission shall be chosen annually by a majority vote of the members of the commission, and any member shall be eligible for re-election as president.

"(b) The persons elected to fill said offices shall enter upon the discharge of their respective duties on the day after the general election at which they are elected and expire on the day after the general election held in the fourth year after their election. Within one hundred and twenty (120) calendar days after this amendatory act becomes law, two new members of the commission shall be appointed each for a four (4) year term commencing on the first Monday after the second Tuesday in January, 1981. Any member shall be eligible for re-appointment for an unlimited number of terms provided his re-appointment is confirmed by the state senate.

"(c) The persons elected and/or appointed to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after the election and/or appointment, and shall continue in office until their successors are elected or appointed and qualified.

"(e)(d) If any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor, the appointee holding for the balance of the unexpired term. If any person elected or appointed to the office of public service commissioner shall fail or refuse for 30 days to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor, the appointee to hold for the term for which the person so failing or refusing to qualify was elected or appointed.

"(d)(e) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

"(e)(f) The provisions of this section shall not diminish the current term of any member elected to the public service commission.

"(g) No person shall be eligible for appointment by the governor unless the governor is satisfied that the person is competent and knowledgeable in one or more fields which include but are not limited to: public affairs, law, economics, accounting, engineering, finance, energy, communications, transportation, management or another field substantially related to the duties and functions of the Public Service Commission."

"§ 37-1-11.

"The president of such commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum until the terms of office beginning on the first Monday after the second Tuesday in January, 1981, at which time the current term of the president ends. On and after said date, the salary of each commission members shall be set at the same rate of salary as the highest paid cabinet officer of the governor, as is provided by section 36-6-6, Code of Alabama 1975, as now or hereafter amended or supplemented. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law herein provided.

On motion of Mr. Teague, said substitute was laid on the table.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Denton	Miller	Smith	
Britnell	Goodwin	Mitchem	Taylor	
Callahan	Gulledge	Pearson	Teague	
Clemon	Martin	St. John	Vacca	
deGraffenried	McDonald			—17

Nays:

Messrs.:	Hall	Kirkland	Robertson	
Bailey	Harrison	Lemaster	Weeks	
Barron	Holmes	Little	White	
Cook	Keener	Parsons		—14

Mr. Mitchem offered the following substitute for the Committee substitute, as amended, for the Bill, H.B. 383, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE, AS AMENDED, FOR H. B. 383

A BILL TO BE ENTITLED AN ACT

To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Public Service Commission established by Section 37-1-1 of the Code of Alabama 1975, is hereby reorganized so as to consist of five (5) members, who shall represent five public service commission districts

throughout the state, each said district to be composed of seven consecutively numbered state legislative senatorial districts, viz: District No. 1 shall be senatorial districts 1-7; District No. 2 shall be senatorial districts 8-14; District No. 3 shall be senatorial districts 15-21; District No. 4 shall be senatorial districts 22-28; and District No. 5 shall be senatorial districts 29-35. Each member of the said commission shall be a resident and qualified elector of the public service commission district which he or she represents.

Section 2. Three members of the Public Service Commission from Districts No. 2, No. 4 and No. 5 shall be elected at the general election in 1980 and each six (6) years thereafter for six (6) year terms, each. Two members of the Public Service Commission shall be elected from Districts No. 1 and No. 3 at the general election in 1982 and every six years thereafter for six (6) year terms each. Members of the Public Service Commission serving when this act becomes effective shall serve out, as commissioners from Districts No. 1 and No. 3, the terms for which they have been elected members of the commission.

Section 3. The persons elected from Districts No. 2 and No. 5 in the 1980 election shall enter upon the discharge of their respective duties immediately after the election results have been certified and shall continue in office until their successors are elected and qualified. The person elected to replace the current president of the commission shall serve as president until the second Tuesday in January 1983. The persons elected from Districts No. 1 and No. 3 in the 1982 general election shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election, and shall continue in office until their successors are elected and qualified. On this same day, and every two years thereafter, the public service commission shall meet in an organizational session for the purpose of electing from its membership a president who shall preside at all meetings of the commission. In the event that the presidency should become vacant, an emergency organizational session shall be called by the Governor, not later than thirty days after said presidency has become vacant, for the purpose of selecting a president to serve for the remainder of the unexpired term.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Teague, said substitute was laid on the table.

Yeas 16; Nays 13.

Yeas:

Messrs.:	Denton	McDonald	Smith
Britnell	Goodwin	Miller	Taylor
Callahan	Gulledge	Pearson	Teague
Clemon	Keener	St. John	Vacca
deGraffenried			

Nays:

Messrs.:	Hall	Lemaster	Parsons
Bailey	Harrison	Little	Robertson
Barron	Holmes	Mitchem	White
Cook	Kirkland		

—13

Mr. Barron offered the following substitute for the Committee substitute, as amended, for the Bill, H.B. 383, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE,
AS AMENDED, FOR H.B. 383

A BILL
TO BE ENTITLED
AN ACT

To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Public Service Commission, established by Section 37-1-1 of the Code of Alabama 1975, is hereby reorganized so as to consist of seven (7) members, who shall represent seven public service commission districts throughout the state, said districts to correspond numerically and geographically with the state's seven United States Congressional Districts viz: Districts No. 1 shall be the same as Congressional District No. 1; District No. 2 shall be the same as Congressional District No. 2 District No. 3 shall be the same as Congressional District No. 3; District No. 4 shall be the same as Congressional District No. 4; District No. 5 shall be the same as Congressional District No. 5; District No. 6 shall be the same as Congressional District No. 6; and District No. 7 shall be the same as Congressional District No. 7. Each member of the said commission shall be a resident and qualified elector of the public service commission district which he or she represents.

Section 2. A member of the Public Service Commission from Districts No. 2, No. 5 and No. 6 shall be elected at the general election in 1980 and each six (6) years thereafter for six (6) year terms, each. Members of the Public Service Commission serving when this section became effective shall serve out, as commissioners from Districts No. 4 and No. 3, the terms for which they have elected members of the commission. Their successors shall be elected at the general election in 1982 and every six (6) years thereafter for six (6) year terms. A member of the Public Service Commission from Districts No. 1 and No. 7 shall be elected at the general election in 1980 for a term of four (4) years each and their successors shall be elected at the general election in 1984 and every six (6) years thereafter for terms of six (6) years, each. The members of the commission shall be elected by the qualified electors of the district they represent.

Section 3. The persons elected to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election, and shall continue until their successors are elected and qualified. On this same day, and every two (2) years thereafter, the Public Service Commission shall meet in an organizational session to select a chairman by a majority vote of the members of the commission. In the event that the chair should become vacant, an emergency organizational session shall be called by the Governor, not later than thirty (30) days after said chair has become vacant, for the purpose of selecting a chairman to serve for the remainder of the unexpired term.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

On motion of Mr. Callahan, said substitute was laid on the table.

Yeas 18; Nays 12.

Yeas:

Messrs.:	Denton	McDonald	Smith	
Britnell	Figures	Miller	Taylor	
Callahan	Goodwin	Mitchem	Teague	
Clemon	Gulledge	Pearson	Vacca	
deGraffenried	Martin	St. John		—18

Nays:

Messrs.:	Hall	Kirkland	Parsons	
Bailey	Harrison	Lemaster	Robertson	
Barron	Holmes	Little	White	
Cook				—12

Mr. White offered the following substitute for the Committee substitute, as amended, for the Bill, H.B. 383, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE,
AS AMENDED, FOR H. B. 383

A BILL
TO BE ENTITLED
AN ACT

To continue without modification the Alabama Public Service Commission, which is provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the legislature to continue, without modification, the Alabama Public Service Commission, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 2. The Alabama Public Service Commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and all other provisions of law is hereby continued, without modification, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 3. Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, as amended, relating to the mental health board are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Teague moved that said substitute be laid on the table, which resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Figures	McDonald	St. John
Britnell	Gulledge	Miller	Smith
Clemon	Keener	Mitchem	Teague
deGraffenried	Martin	Pearson	Vacca
Denton			

—16

Nays:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Hall	Lemaster	Robertson
Barron	Harrison	Little	Taylor
Callahan	Holmes	Parsons	White
Cook			

—16

The President and Presiding Officer of the Senate voted "Aye"; therefore, the motion to table prevailed.

And said Committee substitute, as amended by the Teague substitute, was then adopted by the Senate.

Yeas 19; Nays 13.

Yeas:

Messrs.:	Denton	Martin	St. John
Britnell	Figures	McDonald	Smith
Callahan	Goodwin	Miller	Taylor
Clemon	Gulledge	Mitchem	Teague
deGraffenried	Keener	Pearson	Vacca

—19

Nays:

Messrs.:	Hall	Lemaster	Proctor
Bailey	Harrison	Little	Robertson
Barron	Holmes	Parsons	White
Cook	Kirkland		

—13

REGULAR SESSION
12th Day

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And said Bill, H.B. 383, as thus amended by the Committee substitute, as amended by the Teague substitute, was read a third time at length and passed.

Yeas 18; Nays 13.

Yeas:

Messrs.:	Denton	McDonald	Smith
Britnell	Figures	Miller	Taylor
Callahan	Goodwin	Mitchem	Teague
Clemon	Keener	Pearson	Vacca
deGraffeneried	Martin	St. John	

—18

Nays:

Messrs.:	Hall	Lemaster	Proctor
Bailey	Harrison	Little	Robertson
Barron	Holmes	Parsons	White
Cook	Kirkland		

—13

Mr. Teague moved that the Senate reconsider the vote by which the Bill, H.B. 383, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to request the Senate to return to the House for further consideration Senate bill:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate acceded to the request of the House for the return to the House of the Bill, S.B. 262, the title of which is set out in the foregoing Message from the House.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Smith, consideration of the Bills, H.B.'s 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, and 378, was indefinitely postponed by the Senate.

RECESS

At 2:15 P.M., on motion of Mr. St. John, the Senate took a recess until 3 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has reconsidered and has amended, as therein shown, and as amended has again passed the following Senate Bill and returns same herewith to the Senate for its consideration:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 262, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 262

Amend S.B. 262, on page 4, line 20, by removing the period after the word "notified" and adding the following:

, except that members of the legislature shall be notified of such hearings by mail at least ten (10) days prior to the hearing date.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Keener	Miller	Vacca
deGraffenried	Kirkland	Mitchem	White

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Whatley, Hilliard, and Naramore.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H.B. 379, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Taylor
Britnell	Keener	Mitchem	Teague
Goodwin	Little	Parsons	Vacca
Gulledge	Martin	Robertson	Weeks
Hall	McDonald	St. John	White
Harrison			—20

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Denton, Cook, and Hall.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

And request a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Hammett, Daniels, and Pegues.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H.B. 383, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Bailey	Holmes	Miller	Teague	
Britnell	Keener	Mitchem	Vacca	
deGraffenried	Kirkland	Robertson	Weeks	
Goodwin	Lemaster	Smith	White	
Gulledge				—20

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Teague, St. John, and Smith.

LOCAL BILLS

BILLS ON THIRD READING RESUMED

The Bill:

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security

of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Also:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Also:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Also:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and Repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond applicants.

Also:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Also:

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Also:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Also:

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, providing for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Also:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Also:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Also:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Also:

S. 273. Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

Also:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 381. To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and

wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

Also:

H. 382. To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 80. COMMENDING THE PICKENS COUNTY VOLUNTEER FIRE DEPARTMENTS.

WHEREAS, the Legislature of Alabama has noted that February 25 through March 2, 1980, was observed as Volunteer Fire Department Week in Pickens County, so designated in tribute to their volunteer firemen, fellow citizens who daily risk their lives in service to others; and

WHEREAS, the Pickens County Volunteer Fire Department System is composed of units in Aliceville, Carrollton Gordo and Reform, with two additional departments in the Zion and Palmetto communities now being organized; men of all ages and from all walks of life have united in one common cause and, through hard work and dedication to duty, have made their system one of the finest in the State of Alabama; and

WHEREAS, all the members of the four existing departments, as well as the developers of the two new organizations, are indeed deserving of high praise for their efficiency and effectiveness in providing fire protection for so many of the citizens of Pickens County, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend the Pickens County Volunteer Fire Departments on their outstanding organization and direct that copies of this resolution be provided for each department in token of the appreciation of the Alabama Legislature.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Goodwin offered the following Senate Resolution, to-wit:

S. R. 81. COMMENDING THE REVEREND DOCTOR PHILLIP M. LENUD OF BIRMINGHAM, ALABAMA.

Which was adopted.

Mr. Figures offered the following Senate Resolution, to-wit:

S. R. 82. MOURNING THE DEATH OF POLICE SERGEANT WILLIAM T. HARRIS, JR., OF PRICHARD, ALABAMA.

Which was adopted.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 83. CONGRATULATING THE BOAZ HIGH SCHOOL PIRATES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

WHEREAS, the Alabama Legislature notes with high praise, and in awe, the perfect 10-0 Football Season for Boaz High School in 1979; and

WHEREAS, the Pirates, 1979 Marshall County champions, were ranked number four in 3A Football in The Montgomery Advertiser Final Season Poll; and

WHEREAS, coached by John Beck and his assistants, Phil Ray, Gerald Thomas, Randall Nelson and Dale Pruitt, with administrative support by Principal Ollin Hayes, the Pirates played seven total shutout games, with 263 points for the season against a total of just 19 points for their opponents; and

WHEREAS, to average a phenomenal 26.3 points per game while giving up only 1.9, is a feat seldom accomplished by young high school athletes, and one which undoubtedly shows the high calibre of individuals who contributed to this outstanding record.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Boaz High School Pirates on their perfect 1979 winning football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Ollin Hayes for appropriate school display with a copy also to Head Coach John Beck on behalf of his assistants and the entire Boaz team.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 84. MOURNING THE DEATH OF ANDALUSIA CITY COUNCILMAN, L. FRED PRICE.

WHEREAS, the Alabama Legislature has grievously noted the death of Mr. L. Fred Price at his home in Andalusia, Alabama, on March 1, 1980, at the early age of 58 years; and

WHEREAS, a former six-year member of the Andalusia Board of Education, Mr. Price was a prominent Covington County businessman and, at the time of his death, was serving his first term as a member of the Andalusia City Council; and

WHEREAS, though a native of Elba, Alabama, he had been a resident of Andalusia for more than twenty years and was a combat veteran of World War II; and

WHEREAS, Mr. Price was a longtime active supporter of his city's youth recreation programs; he was a member of the First Baptist Church and a member and past president of the Kiwanis Club of Andalusia; and

WHEREAS, in the death of Mr. Price, the City of Andalusia has lost one of its most outstanding citizens, one who will long be sorely missed, not only by his beloved family, but by his many, many friends and fellow citizens of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. L. Fred Price of Andalusia and extend our most heartfelt sympathy to his wife, Mr. Lucy Price, to their son, Kevin, and to their daughter, Mr. Freida Armstrong, to whom copies of this resolution shall be sent.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller and White offered the following Senate Resolution, to-wit:

S. R. 85. COMMENDING DR. DORIS S. PHILLIPS, 1980 DISTINGUISHED ALUMNA, UNIVERSITY OF ALABAMA SCHOOL OF MEDICINE.

Which was adopted.

Mr. Miller then offered the following Senate Resolution, to-wit:

S. R. 86. HONORING MR. MARK GILMORE, JR., PROMINENT MONTGOMERY CIVIC AND COMMUNITY LEADER.

Which was adopted.

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S. R. 87. BE IT RESOLVED BY THE SENATE That the following bills in the order named be made a special, paramount and continuing order of business immediately upon adoption of this resolution taking priority over all other order of business for the twelfth legislative day.

Bill No.	Page No.	Description
H. B. 540	59	Personnel Pay Raise and Medicaid
S. B. 429	18	Insurance Transfer suppl.
H. B. 602	68	Medicaid sponsor responsibility

Which was adopted.

MOTION IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 309, on page 57 of the Eleventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 309, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS
CALENDAR BILLS POSTPONED

Mr. White requested and received unanimous consent to postpone the Bills, S.B.'s 3, 71, and 116, to the next Legislative Day as Unfinished Business.

COMMUNICATION FROM THE SUPREME COURT

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1979-80

Members of the Senate
State Capitol
Montgomery, Alabama

Dear Senators:

The Honorable McDowell Lee, Secretary of the Senate, forwarded to the members of the Alabama Supreme Court the following Senate Resolution No. 71 and the Bill attached:

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S.B. 320, as substituted and amended, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 1 of S.B. 320, as substituted and amended, contain more than one subject and as a result conflict with Article IV, Section 45 of the Constitution of Alabama of 1901?

2. Does Section 1 of S.B. 320, as substituted and amended, change the original purpose of the original S.B. 320 and as a result conflict with Article IV, Section 61 of the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S.B. 320 with the Substitute and Amendment to the Clerk of the Supreme Court of Alabama, and to transmit the request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

SUBSTITUTE FOR S.B. 320

A BILL
TO BE ENTITLED
AN ACT

To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature to make available the sum of \$11,447,537 provided as unappropriated ending balance in Act 79-540 to be used and is hereby appropriated for payment of the cost-of-living increase for the fiscal year ending September 30, 1980, in accordance with the provision of Act No. 79-540. It is further the intention of the legislature and hereby appropriated to the extent necessary as authorized by Act No. 79-724 from the General Fund of Alabama or from any departmental budgets from which state employees are paid such amounts as are necessary for state employee pay increases as authorized by Act No. 79-724 of the 1979 Regular Session.

Section 2. For the purpose of providing funds for emergency payment to Medicaid through the fiscal year ending September 30, 1980, the legislature authorizes and hereby appropriates from such reserves as may accrue from the General Fund of the state of Alabama and from such reserves as may exceed the amounts required by law for the state Insurance Fund, such amounts as are available and as may be determined by the Governor to be necessary for the operation of Medicaid through September 30, 1980. In the event that the available balances in the General Fund of Alabama and the state Insurance Fund should be insufficient, the Governor shall have the power to use and there is hereby appropriated other state funds including any Trust funds except those which had a zero balance on September 30, 1979, for the purpose of fully funding Medicaid through September 30, 1980, up to the sum of \$28 million.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The answer to question No. 1 is in the affirmative. The answer to question No. 2 is in the affirmative.

In reaching an opinion on whether substitute for S.B. 320 violates § 45 or § 61 of the Constitution, the Justices have referred to the Journals of the Alabama State Senate. *Alabama State Bridge Corporation v. Smith*, 217 Ala. 311, 116 So. 695 (1928). From the Journals of the Alabama Senate, which were furnished to the Court by the Honorable McDowell Lee, Secretary of the Senate, some of the following facts concerning S.B. 320 appear:

Senate Bill 320 was introduced on the fifth legislative day and was referred to the Finance and Taxation Committee. The Finance and Taxation Committee favorably reported a Finance and Taxation Committee substitute for S.B. 320, with amendment. The Finance and Taxation Committee substitute for S. B. 320, as amended, received its second reading in the Senate. On the ninth legislative day, the Proctor substitute for S.B. 320, the subject of your advisory request, was introduced.

The title to S.B. 320, as originally introduced, reads as follows:

"To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor."

The title of the Finance and Taxation Committee Amendment to substitute for S.B. 320 reads as follows:

"To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor."

The title of the Proctor substitute for S.B. 320 reads as follows:

"To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session."

The purpose of S. B. 320, as originally introduced, was to transfer funds from the state insurance fund to be earmarked for medicaid purposes. As originally introduced, S.B. 320 was not an appropriation bill, but merely earmarked money to be expended on due appropriation. *Nachman v. State Tax Commission*, 233 Alabama. 628, 173 So. 25 (1937).

The Finance and Taxation substitute for S.B. 320 did not, in our opinion, change the original purpose of S.B. 320. The Finance and Taxation Committee substitute for S. B. 320 did add an additional earmarking provision to provide that the transferred funds could be used for "... investigation of welfare fraud. . . ." but we think that the Finance and Taxation Committee substitute was sufficiently germane and cognate to the original purpose of S.B. 320 and that the Finance and Taxation Committee substitute does not violate § 61 of the Constitution. As six justices opined in *Opinion of the Justices*, 361 So. 2d. 536, 538 (Ala. 1978):

"Section 61 provides that 'no bill shall be so altered or amended on its passage through either house as to change its original purpose.' The 'purpose' of a bill within this section is its general purpose, not mere details through which its purpose is manifested and effectuated. *State Docks Commission v. State ex rel Jones*, 227 Ala. 521, 150 So. 537 (1933)."

The Proctor substitute for the Finance and Taxation Committee substitute for S. B. 320, however, presents a serious constitutional question. It not only changed the purpose of original S.B. 320, but also changed the nature of the bill from one earmarking funds to be expended on appropriation into one

which actually makes an appropriation. In fact, the title to the Proctor substitute states that its purpose is to provide funds to pay cost-of-living increases, previously authorized by law, for certain education personnel and for state employees and officials. The Proctor substitute also would appropriate "from such reserves as may accrue from the General Fund of the state of Alabama and from such reserves as may exceed the amounts required by law for the state Insurance Fund, such amounts as are available and as may be determined by the Governor to be necessary for the operation of Medicaid through September 30, 1980. . .," and ". . . other state funds including any trust funds except those which had a zero balance on September 30, 1979. . .," yet, there is nothing in the title which suggests that the "insurance fund" and "other state funds including any trust funds" might be affected.

It is apparent that the Proctor substitute for S.B. 320 changed the general purpose of S.B. 320 from one which had as its general purpose the transfer of certain state funds to the General Fund to meet specified needs to one which appropriated certain funds, without mentioning those funds in the title. Cf. *Alabama Education Association v. The Board of Trustees of the University of Alabama*, 374 So. 2d 258 (Ala. 1979). The Proctor substitute for S.B. 320, therefore, would violate both Sections 45 and 61 of the Constitution of Alabama.

Although you did not request our opinion on whether the Proctor substitute to S. B. 320 would violate Section 71 of the Constitution, we respectfully call Section 71 of the Constitution to your attention, especially in view of the fact that the Proctor substitute appropriates state funds.

Respectfully Submitted,
C. C. TORBERT, JR.,
Chief Justice.
HUGH MADDOX,
JAMES H. FAUKNER,
RENEAU P. ALMON,
JANIE L. SHORES,
T. ERIC EMBRY,
SAM A. BEATTY,
Associate Justices.

OPINION RENDERED

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to

appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H.B. 540, to-wit:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 540

A BILL
TO BE ENTITLED
AN ACT

To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature to make available the sum of \$11,447,537 provided as unappropriated ending balance in Act 79-540 to be used and is hereby appropriated for payment of the cost-of-living increase for the fiscal year ending September 30, 1980, in accordance with the provision of Act No. 79-540. It is further the intention of the legislature and hereby appropriated to the extent necessary as authorized by Act No. 79-724 from the General Fund of Alabama or from any departmental budgets from which state employees are paid such amounts as are necessary for state employee pay increases as authorized by Act No. 79-724 of the 1979 Regular Session.

Section 2. For the purpose of providing funds for emergency payment to Medicaid **through the fiscal year ending September 30, 1980, the legislature authorizes and hereby appropriates** from such reserves as may accrue from the General Fund of the state of Alabama and from such reserves as may exceed the amounts **required** by law for the state Insurance Fund, such amounts as are available and as may be determined by the Governor to be necessary for the operation of Medicaid through September 30, 1980. In the event that the available balances in the General Fund of Alabama and the state Insurance Fund should be insufficient, the Governor shall have the power to use and there is hereby appropriated other state funds including any Trust funds except those which had a zero balance on September 30, 1979, for the purpose of fully funding Medicaid through September 30, 1980, up to the sum of \$28 million.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Pearson, said substitute was laid on the table.

Mr. Pearson then offered the following substitute for the Bill, H.B. 540, to-wit:

SUBSTITUTE FOR H.B. 540

A BILL
TO BE ENTITLED
AN ACT

To transfer funds from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby transferred from the state insurance fund, as provided for in Chapter 15 of Title 41 of the Code of Alabama 1975, the sum of up to \$25,000,000 to the credit of the state general fund and such sum is hereby appropriated and shall be used only for medicaid purposes. Such amounts as transferred to the state general fund as provided herein, or any part thereof, may be transferred back from the state general fund to the state insurance fund, with interest at 8 percent per annum, whenever the state finance director, with the approval of the Governor, determines that there are sufficient funds in the state general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Figures	Lemaster	Proctor	White

—31

Nays:

—0

And said Bill, H.B. 540, as thus amended by the substitute, was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster	Robertson	
Figures	Little		

—32

Nays: —0

The Bill:

S. 429. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor.

was taken up.

Mr. Little offered the following substitute for the Bill, S.B. 429, to-wit:

SUBSTITUTE FOR S. B. 429

A BILL
TO BE ENTITLED
AN ACT

To transfer funds from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby transferred from the state insurance fund, as provided for in Chapter 15 of Title 41 of the Code of Alabama 1975, the sum of up to \$25,000,000 to the credit of the state general fund and such sum is hereby appropriated and shall be used only for medicaid purposes. Such amounts as transferred to the state general fund as provided herein, or any part thereof, may be transferred back from the state general fund to the state insurance fund, with interest at 8 percent per annum, whenever the state finance director, with the approval of the Governor, determines that there are sufficient funds in the state general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Holmes	Miller	Vacca
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Pearson	White
Figures			—28

Nays:

—0

And said Bill, S.B. 429, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Goodwin	Martin	Smith
Barron	Gulledge	McDonald	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Harrison	Parsons	Vacca
Cook	Keener	Pearson	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster		—29

Nays:

—0

The Bill:

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Miller	Vacca
Callahan	Harrison	Mitchem	Weeks
Cook	Kirkland	St. John	White
			—23

Nays:

—0

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Callahan, Goodwin, Keener, Cook, Holmes, Barron, Robertson, Weeks, Gullledge, Lemaster, Kirkland, Pearson, White, Bailey, Denton, Harrison, Proctor, McDonald, Vacca and Figures:

S. 432. To amend Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama 1975 so as to further define certain terms, to alter termination dates of certain agencies, to alter the composition of the committee, to provide for the method and procedure of review of the agencies, to provide for phasing out of the agency, to provide for the continuance of said agency and to provide for settlement of claims against the agency.

Committee on Governmental Affairs.

By Mr. Parsons (with notice and proof):

S. 433. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S.B. 433 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Pearson:

S. 434. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

Committee on Governmental Affairs.

By Mr. Barron:

S. 435. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 436. To amend Section 6 of Act No. 79-797, H. 225, 1979 Regular Session (Acts 1979, p. 1455) now appearing as Section 32-6-65, Code of Alabama 1975, and Section 40-12-270, Code of Alabama 1975 so as to provide for the disbursement of the penalty fee assessed for late registration of a motor vehicle directly into the county general fund.

Committee on Finance and Taxation.

By Mr. Figures:

S. 437. To abolish the death penalty; to prescribe life imprisonment without parole as the maximum punishment for any felony; to amend Sections 13-11-1 through 13-11-4 of the Code of Alabama of 1975,

which sections relate to: The death penalty and crimes committed under aggravating circumstances, the maximum punishment authorized and the mitigating circumstances allowing the court to impose a sentence at less than the maximum, granting a hearing when the maximum sentence is imposed by the jury, so as to delete all references to the death penalty, and to prescribe life imprisonment without parole as the maximum punishment; to amend ARAP Rule 8, so as to delete subsection (d)(1) which provides for stay of execution; to amend Section 15-18-1 which prescribes legal punishments, so as to delete any reference to death by electrocution; to amend Section 15-9-1, which provides for rewards in cases leading to the arrest and conviction of persons involving certain felonies, so as to delete any reference to the death penalty; to repeal any laws or parts of laws which conflict with the provisions of this act; and to specifically repeal the following sections of the Code of Alabama, 1975, as amended: 12-22-150, 13-11-5, 15-13-3, 15-16-22, 15-16-23, 15-18-80, through 15-18-86, 15-18-100 and 15-22-27, all of which specifically relate to the death penalty or electrocution as punishment for crimes; to provide that the sentences of all persons who have been convicted under the death penalty laws and whose executions are pending on the effective date of this act shall be commuted to life imprisonment without parole.

Committee on Judiciary.

By Mr. Callahan:

S. 438. To amend Section 40-20-2 of the Code of Alabama 1975, so as to further provide for the rate of severance tax on the production of oil and gas.

Committee on Finance and Taxation.

By Mr. Figures:

S. 439. To provide that the governor may restore full civil and political privileges to persons who have been convicted of certain crimes and who have not been incarcerated for a certain period of years.

Committee on Judiciary.

By Mr. Figures (with notice and proof):

S. 440. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts and with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S.B. 440 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Little:

S. 441. To provide for a durable power of attorney that may survive disability of the principal.

Committee on Judiciary.

By Messrs. Martin, Weeks, Goodwin, Callahan, White and Keener:

S. 442. To amend Title 23, Code of Alabama, 1975, as amended relating to the Federal Aid Highway Finance Authority and to specifically amend the following sections: Section 23-1-300 relating to the purpose and construction of the article; Title 23-1-306 relating to the powers generally of the Federal Aid Highway Finance Authority; 23-1-307 relating to bonds and notes—authorization for issuance; 23-1-313 relating to bonds and notes, disposition of proceeds from sale generally; 23-1-314 relating to bonds and notes, appropriations and pledges of revenue for payment of principal and interest generally, sinking fund; and 23-1-317 relating to authorization of expenditure of Federal Aid directly by State Highway Department; contracts for construction, reconstruction, etc. of highways; performance, etc. of construction, etc. done by authority without award of contract therefor; promulgation and enforcement of rules and regulations; conveyance of property to state; highways constructed deemed part of public highway system.

Committee on Finance and Taxation.

By Messrs. Martin, Weeks, Goodwin, Callahan, White and Keener:

S. 443. This bill creates an Equipment Replacement Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department. The purpose of said account is to allow the Highway Department to initiate a Road Machinery and Equipment Management System. This bill allows the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account. It appropriates those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

Committee on Finance and Taxation.

By Mr. Smith:

S. 444. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Proctor:

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

By Mr. Teague:

S. 110. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act. to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

By Mr. Teague:

S. 323. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

By Mr. St. John: (With Amendment):

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

By Messrs. Parsons, Hall and Little:

S. 214. Requiring that for any disclaimer of an implied warranty under Section 7-2-316 (3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today (S.R. 50), which was the Bill:

S. 221. Proposing a further amendment to Amendment No. 225 of the Constitution of 1901; and providing for the revenues resulting from such repealer.

Mr. St. John moved that further consideration of the Bill, S. B. 221, be postponed until the Fourteenth Legislative Day as Unfinished Business.

Mr. Barron offered a substitute motion that further consideration of the Bill, S. B. 221, be indefinitely postponed, which motion was lost.

The question was then on the motion of Mr. St. John, which was adopted, and further consideration of the Bill, S.B. 221, was postponed until the Fourteenth Legislative Day as Unfinished Business.

LOCAL BILLS

The Bill:

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	McDonald	St. John
Barron	Goodwin	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Callahan	Holmes	Parsons	Teague
Clemon	Keener	Pearson	Weeks
Cook	Kirkland		

—25

Nays: —0

The Bill:

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Miller	Taylor
Barron	Goodwin	Parsons	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Clemon	Keener	St. John	White
Cook	Kirkland		

—25

Nays: —0

The Bill:

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	St. John	
Bailey	Figures	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Clemon	Kirkland	Proctor	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Proctor	
Bailey	Figures	McDonald	St. John	
Barron	Hall	Miller	Smith	
Britnell	Holmes	Mitchem	Teague	
Callahan	Kirkland	Parsons	Weeks	
Clemon	Lemaster	Pearson	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Proctor	
Bailey	Figures	McDonald	St. John	
Barron	Hall	Miller	Smith	
Britnell	Holmes	Mitchem	Teague	
Callahan	Kirkland	Parsons	Weeks	
Clemon	Lemaster	Pearson	White	
Cook	Little			—25

Nays: —0

The Bill:

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Harrison	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Kirkland		

—25

Nays: —0

The Bill:

H. 191. Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Figures	Miller	Smith
Bailey	Goodwin	Mitchem	Taylor
Britnell	Gulledge	Parsons	Teague
Clemon	Hall	Pearson	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Keener	St. John	White
	Little		

—25

Nays: Mr. Callahan —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state for a period of one year.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE

HOUSE BILL 379

We, the Committee of Conference appointed to reconcile the differences between the two houses concerning the bill, House Bill 379, have met and report as follows:

That a majority of the conferees from each House are unable to reach an agreement. We recommend that this Committee of Conference be dissolved and request that another Conference Committee be appointed.

ALVIS NARAMORE,
CHARLES WHATLEY,
EARL F. HILLIARD,
House Conferees
BOBBY DENTON,
DOUG COOK,
BOB HALL,
Senate Conferees.

and has requested that the present Conference Committee be discharged and a new Conference Committee appointed.

And the Speaker of the House has appointed as Conferees on part of the House Messrs. Whatley, Hilliard, and Naramore.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Senate acceded to the request of the House that the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 379, the title of which is set out in the foregoing Message from the House, be discharged and a new Conference Committee be appointed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Hall	Miller	Teague
Britnell	Harrison	Mitchem	Vacca
Cook	Lemaster	Parsons	Weeks
Denton	Little	St. John	White
Figures			—24

Nays: —0

And the President and Presiding Officer of the Senate appointed as new Committee on the part of the Senate Messrs. Denton, Cook, and Hall.

CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 119. To provide the State Department of Pensions and Security with additional income from State income tax refunds designated by taxpayers to be paid to the State Department of Pensions and Security for the purpose of

relieving persons in this State from the distress of poverty, to promote selfcare, enlarge their economic opportunities, and to stimulate persons to greater efforts in helping themselves to become self-supporting, to provide protective services and foster care to children and adults who are in danger of abuse or exploitation and for other welfare purposes.

was taken up.

Mr. Mitchem moved that further consideration of the Bill, S.B. 119, be indefinitely postponed.

On motion of Mr. Little, the motion to indefinitely postpone was laid on the table.

Yeas 12; Nays 5.

Yeas:

Messrs.:	deGraffenried	Holmes	McDonald	
Bailey	Gulledge	Little	Miller	
Barron	Harrison	Martin	Teague	
Callahan				—12

Nays:

Messrs.:	Smith	Weeks	White	
St. John	Vacca			—5

And said Bill, S.B. 119, was read a third time at length and lost.

Yeas 8; Nays 9.

Yeas:

Messrs.:	Gulledge	Little	Teague	
Bailey	Holmes	McDonald	Vacca	
Callahan				—8

Nays:

Messrs.:	Martin	Parsons	Weeks	
deGraffenried	Miller	St. John	White	
Keener	Mitchem			—9

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 105. The purpose of this bill is to amend §41-13-21, Code of Alabama 1975, providing for the determination by the state records commission of those state records which may be destroyed and those which must be preserved; to provide that records of the courts within the unified judicial system may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the supreme court; to further provide that any retention schedules pertaining to court records previously adopted pursuant to law shall be superseded with respect to such records by any retention schedule which may subsequently be prescribed by rule of the supreme court; and to provide for the repeal of all provisions of law in conflict with this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Mitchem	Taylor	
Bailey	Harrison	Parsons	Teague	
Callahan	Holmes	Proctor	Vacca	
deGraffenried	Keener	Robertson	Weeks	
Figures	Martin	Smith		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

said Conference Report being in words and figures as follows:

REPORT OF THE CONFERENCE COMMITTEE APPOINTED TO CONSIDER THE SUBSTITUTE FOR H.B. 383.

The Conference Committee voted unanimously to recommend to the House and Senate that the attached bill continuing the Alabama Public Service Commission be passed by both Houses of the legislature, and further that the attached Resolution setting up an interim committee of five members of the House and five members of the Senate, be appointed to report by the twentieth legislative day of the current session to both Houses their recommendations for the revamping and reorganization of the Alabama Public Service Commission.

Submitted respectfully,

FINIS ST. JOHN,

Chairman.

JOHN TEAGUE,

BILL SMITH,

SETH HAMMETT,

GENE DANIELS,

LEIGH PEGUES.

Date: March 12, 1980

CONFERENCE SUBSTITUTE FOR H.B. 383

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based upon its review and evaluation of said agency, the Sunset Committee made certain recommendations to the legislature. The legislature, after consideration, debate and evaluation of said agency, does hereby direct and order the continuance of said Alabama Public Service Commission as presently constituted and functioning under the laws of this state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. J. R. 106. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REORGANIZATION OF THE ALABAMA PUBLIC SERVICE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the reorganization of the Alabama Public Service Commission. The committee shall be composed of five members of the House of Representatives and five members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among its members a chairman.

Upon the request of the chairman of such committee, the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 20th legislative day of the 1980 Regular Session, whereupon the committee shall be dissolved.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H.B. 383, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Gulledge	Miller	Smith	
Barron	Harrison	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Martin	Proctor	White	
deGraffenried				—20

Nay: Mr. Teague —1

And said Bill H.B. 383, as thus amended by the Committee on Conference, was again read at length and passed.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Gulledge	Miller	Smith	
Bailey	Harrison	Mitchem	Taylor	
Barron	Holmes	Parsons	Vacca	
Callahan	Keener	Robertson	Weeks	
deGraffenried	Martin	St. John	White	
Figures	McDonald			—21

Nay: Mr. Teague —1

And on motion of Mr. St. John, the Resolution, H.J.R. 106, set out in the foregoing report of the Committee on Conference, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Cook, Teague, Smith, Bailey, and Gulledge.

BILLS ON THIRD READING RESUMED

The Bill:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 17; Nays 2.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Harrison	Parsons	Taylor
Barron	Holmes	Proctor	Teague
Callahan	Lemaster	St. John	White
Cook	Martin		

—17

Nays: Messrs.: Keener, Weeks. —2

The Bill:

S. 135. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Harrison	McDonald	Smith
Barron	Holmes	Miller	Taylor
Callahan	Keener	Parsons	Teague
Cook	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	Mitchem	Taylor	
Barron	Holmes	Parsons	Teague	
Callahan	Keener	Proctor	Vacca	
deGraffenried	Martin	Robertson	Weeks	
Gulledge	Miller	Smith		—18

Nays: —0

The Bill:

S. 110. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	Miller	Smith	
Barron	Harrison	Mitchem	Taylor	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Proctor	Weeks	
deGraffenried	Martin	Robertson	White	—19

Nays: —0

Abstaining: Mr. Teague —1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MOTION IN WRITING

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 139, on page 49 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 139, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 323. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

was taken up.

Mr. Martin was granted unanimous consent to offer the following amendment to the Bill, S.B. 323, to-wit:

AMENDMENT TO S.B. 323

In the Synopsis, page 1, on the fourth and fifth lines, after the word "baskets" insert the following: and fish boxes.

In the title, page 1, on the third and fourth lines, after the word "baskets," insert the following: and fish boxes.

In Section 1, on the third line after the word "baskets" add the following: or box or boxes.

In Section 1, page 1, on the sixth and seventh line, after the word "basket" add the following: or box

In Section 1, page 1, on the ninth line, after the word "baskets" add the following: or boxes.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor
Barron	Harrison	McDonald	Teague
Callahan	Holmes	Miller	Vacca
Cook	Lemaster	Proctor	Weeks
Gulledge	Little	Smith	White

—19

Nays:

—0

And said Bill, S. B. 323, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Taylor	
Barron	Keener	Mitchem	Teague	
Callahan	Lemaster	Parsons	Vacca	
Gulledge	Little	Proctor	Weeks	
Hall	Martin	Robertson	White	
Harrison	McDonald	Smith		—22

Nays: —0

The Bill:

S. 214. Requiring that for any disclaimer of an implied warranty under Section 7-2-316 (3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 10; Nays 9.

Yeas.

Messrs.:	Hall	Lemaster	Smith	
Barron	Holmes	Little	Vacca	
deGraffenried	Keener	Parsons		—10

Nays:

Messrs.:	Harrison	Miller	Taylor	
Callahan	Martin	Mitchem	Teague	
Gulledge	McDonald			—9

The Bill:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 306, to-wit:

COMMITTEE AMENDMENT TO S.B. 306

Amend Section 1 of S.B. 306 as follows:

(1) by deleting the word "five" from line 27 on page 2 and substituting in lieu thereof the word "ten",

(2) by deleting from lines 28 and 29 on page 2 the following words:

"50 percent of such insurer's surplus as regards policyholder,"

and substituting in lieu thereof the following:

"75 percent of the total of the insurer's capital and surplus as shown in the latest annual report of the insurer filed pursuant to subsection (a) of Section 27-3-26 of the Alabama insurance code less the minimum capital and surplus required of said insurer for authority to transact insurance by sections 27-3-7 and 27-3-8 of the Alabama insurance code,"

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Denton	Little	Taylor
Callahan	Gulledge	Parsons	Teague
Cook	Holmes	St. John	Vacca
deGraffenried	Lemaster	Smith	Weeks
			—15

Nays: —0

And said Bill, S.B. 306, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Gulledge	Mitchem	Taylor
Callahan	Holmes	Parsons	Teague
Cook	Little	St. John	Vacca
deGraffenried	Miller	Smith	Weeks
			—15

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

MOTIONS IN WRITING

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 203, on page 63 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 203, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 294, on page 64 of the Twelfth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 294, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cobb (with notice and proof):

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 603, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 603. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper (T):

H. J. R. 98. NAMING THE J.A. WINTZELL MEMORIAL BRIDGE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 98, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 87. MOURNING THE DEATH OF MR. RAY S. HAMRICK, SR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 87, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Johnson (Roy), Barton, Mitchell and Owens:

H. J. R. 89. NAMING THE ATHLETIC FIELD AT J.O. BOWERS PARK IN TUSCALOOSA, ALABAMA, "THE JOE L. HUTT ATHLETIC FIELDS."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 89, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Riddick and Smith (M):

H. J. R. 92. COMMENDING AND CONGRATULATING THE HUNTSVILLE EAST ALLSTARS, GIRLS SOFTBALL, DIXIE WORLD SERIES CHAMPIONS.

Also:

By Rep. Dixon:

H. J. R. 93. NAMING COUNTY HIGHWAY 79 THE WYCOTT PLANTATION MEMORIAL HIGHWAY.

JOHN W. PEMBERTON,
Clerk

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 92, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 93, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cates:

H. J. R. 102. COMMEMORATING THE 100TH ANNIVERSARY OF THE BIRTH OF DOUGLAS MacARTHUR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 102, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

ADJOURNMENT

At 7:45 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S.B.'s 3, 71, and 116, the Senate adjourned until Thursday, March 13, 1980, at 12 o'clock Noon.

REGULAR SESSION
13th Day

585

THIRTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 13, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Nathaniel Bracy, Associate Minister, New Providence Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Martin	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster	Robertson	
Figures	Little		

—32

JOURNAL

On motion of Mr. Holmes, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Holmes, leave of absence was granted Messrs. Clemon, Glass, and Higginbotham for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 109. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 13, 1980, we adjourn to meet again on Tuesday, March 18, 1980; when we adjourn on Tuesday, March 18, we adjourn to meet again on Thursday, March 20, 1980; when we adjourn on Thursday, March 20, we adjourn to meet again on Tuesday, March 25, 1980; when we adjourn on Tuesday, March 25, we adjourn to meet again on Thursday, March 27, 1980; and when we adjourn on Thursday, March 27, we adjourn to meet again on Tuesday, April 1, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. St. John offered the following substitute for the Resolution, H. J. R. 109, set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR H. J. R. NO. 109

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 13, 1980, we adjourn to meet again on Tuesday, March 18, 1980.

Which was adopted.

And on motion of Mr. St. John, said Resolution, H. J. R. 109, as thus amended by the substitute, was concurred in and adopted by the Senate.

RESOLUTION

Mr. St. John offered the following Senate Resolution, to-wit:

S. R. 88. WITHDRAWING THE REQUEST FOR AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 540 PURSUANT TO S. R. 76.

WHEREAS, S. R. 76 requested an advisory opinion of the Justices of the Supreme Court relative to House Bill 540, as substituted and amended, then pending on the calendar of the Senate; and

WHEREAS, subsequent to the adoption of S. R. 76, the said H. B. 540 was further substituted and thereupon passed by the Senate and transmitted to the House of Representatives for its action thereon; and

WHEREAS, because of the action of the Senate relative to H. B. 540, the provisions thereof being substantially altered from H. B. 540, as then substituted and amended, which was pending action on the Senate calendar at the time of the adoption of S. R. 76, and the said H. B. 540 being no longer pending on the Senate calendar, the questions propounded in S. R. 76 have now become moot:

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, that the request for an advisory opinion as to the several important constitutional questions heretofore presented in S. R. 76 be, and the same is hereby withdrawn.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Owens, Pegues, and Manley.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 540, the title of which is set out in the foregoing Message from the House.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	Miller	Smith
Britnell	Harrison	Mitchem	Taylor
Callahan	Holmes	Parsons	Teague
Cook	Keener	Pearson	Vacca
Denton	Kirkland	Proctor	Weeks
Figures	Lemaster		

—29

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Pearson, St. John, and McDonald.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

Also:

H. 191. Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

Also:

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

Also:

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

Also:

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

Also:

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

Also:

H. J. R. 87. MOURNING THE DEATH OF MR. RAY S. HAMRICK, SR.

Also:

H. J. R. 89. NAMING THE ATHLETIC FIELDS AT J. O. BOWERS PARK IN TUSCALOOSA, ALABAMA, "THE JOE L. HUTT ATHLETIC FIELDS."

Also:

H. J. R. 92. COMMENDING AND CONGRATULATING THE HUNTSVILLE EAST ALLSTARS, GIRLS SOFTBALL, DIXIE WORLD SERIES CHAMPIONS.

Also:

H. J. R. 98. NAMING THE J. A. WINTZELL MEMORIAL BRIDGE.

Also:

H. J. R. 102. COMMEMORATING THE 100th ANNIVERSARY OF THE BIRTH OF DOUGLAS MacARTHUR.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 383. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this state.

Also:

H. J. R. 106. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REORGANIZATION OF THE ALABAMA PUBLIC SERVICE COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Cobb (with notice and proof):

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar, for today, to-wit:

By Mr. Vacca:

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

By Mr. Vacca:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

By Mr. Keener (With Amendment):

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

By Mr. Kirkland:

S. 238. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing.

By Mr. Hall:

S. 93. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

By Mr. Figures:

S. 167. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

By Mr. Gulledge: (With Amendment):

S. 200. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

By Rep. Smith (J):

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

CONSENT CALENDAR
BILLS ON THIRD READING

The Bill:

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	Miller	Taylor
Cook	Holmes	Mitchem	Teague
Denton	Keener	Proctor	Vacca
Figures	Lemaster		

—21

Nays: —0

The Bill:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	McDonald
Bailey	Figures	Keener	Mitchem
Barron	Goodwin	Kirkland	Smith
Britnell	Gulledge	Lemaster	Taylor
Callahan	Hall	Little	Teague
Cook	Harrison	Martin	Vacca
deGraffenried			

—24

Nays: —0

The Bill:

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 317, to-wit:

COMMITTEE AMENDMENT TO S. B. 317

Amend Senate Bill 317, on Page 2, Lines 16-17, by striking out the words:

"either \$10 or five percent of the face amount of the instrument, whichever is greater"

and substituting in lieu thereof the following:

"not more than \$10"

and making the corresponding changes on page 3, lines 20-22.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Holmes	Miller	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Robertson	White.
Goodwin	Lemaster		

—25

Nays: —0

And said Bill, S. B. 317, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
13th Day

593

Yeas 27; Nays 0.

Yeas:

Messrs.	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Figures	Kirkland	Parsons	White

—27

Nays: —0

On motion of Mr. Keener, unanimous consent was granted to add the names of Messrs. Holmes, Taylor, Little, Hall, Martin, Bailey, Lemaster, Vacca, Cook, and Mitchem as co-sponsors of the above Bill.

The Bill:

S. 238. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Taylor
Cook	Holmes	McDonald	Teague
deGraffenried	Keener	Miller	Vacca
Figures	Kirkland	Mitchem	White

—23

Nays: —0

The Bill:

S. 93. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

was read a third time at length and lost.

Yeas 9; Nays 14.

Yeas:

Messrs.:	Figures	Holmes	Little	
Barron	Hall	Keener	Parsons	
Britnell	Harrison			—9

Nays:

Messrs.:	Goodwin	McDonald	Smith	
Callahan	Gulledge	Miller	Taylor	
Cook	Kirkland	Mitchem	Teague	
deGraffenried	Martin	St. John		—14

The Bill:

S. 167. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and hereby obtain a trial by jury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas.

Messrs.:	Figures	Kirkland	Proctor	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	McDonald	Taylor	
Cook	Harrison	Miller	Teague	
deGraffenried	Holmes	Mitchem	White	
Denton	Keener	Parsons		—26

Nays: —0

MOTIONS IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 304, on page 59 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 304, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Pearson offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 243, on page 48 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 243, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Velma L. Blackwell to the State Personnel Board.

On motion of Mr. McDonald, the appointment of Dr. Blackwell was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Barron	Gulledge	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Callahan	Harrison	Parsons	Teague
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Little		

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 89. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the thirteenth legislative day only.

Bill No.	Page No.	Description
S. B. 97	32	Prisoners, Counties Pd. Expenses-Hous.
H. B. 590	61	Medicaid Program, Insurance
H. B. 593	62	Dept. of Pensions & Security
H. B. 595	62	Medicaid, prescription drugs
H. B. 596	63	Medicaid, medical services
H. B. 600	65	Medicaid recipients
H. B. 601	66	Medicaid eligibility
S. B. 81	53	ERS, Re-open for Prior Service Cr.
S. B. 43	29	Alabama Banking Code
S. B. 54	10	Empl's Ret. Sys., adm. & resp.

Which was adopted.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 63. REQUESTING EASTERN AIRLINES TO RECONSIDER ITS DECISION TO DISCONTINUE SERVICE IN MONTGOMERY, AND URGING ASSISTANCE OF THE ALABAMA CONGRESSIONAL DELEGATION IN RETAINING SAID SERVICE.

On motion of Mr. Taylor, said Resolution was then adopted by the Senate.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 200. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 200, to-wit:

COMMITTEE AMENDMENT TO S. B. 200

Amend Senate Bill 200, page 2, line 17, by striking out the words "on the first Tuesday" and inserting in lieu thereof "at the next general election"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	Mitchem	Taylor	
Cook	Harrison	Parsons	White	
deGraffenried	Kirkland			—21

Nays: —0

And said Bill, S. B. 200, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Barron	Gulledge	Martin	Taylor	
Britnell	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
deGraffenried	Lemaster	St. John	White	
Denton				—24

Nays: —0

MOTION IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 258, on page 42 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 258, referred to the Standing Committee on Rules for placement on the Consent Calendar.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons
Barron	Hall	Little	Proctor
Britnell	Harrison	Martin	Smith
deGraffenried	Holmes	McDonald	Taylor
Denton	Keener	Mitchem	Vacca
Goodwin			

—20

Nays:

—0

UNFINISHED BUSINESS

CALENDAR BILLS POSTPONED

Mr. McDonald requested and received unanimous consent to postpone further consideration of the Bills, S. B.'s 3, 71, 116, until the next Legislative Day as Unfinished Business.

RECESS

At 1:15 P.M., on motion of Mr. Little, the Senate took a recess until 2:30 P.M.

Yeas 14; Nays 8.

Yeas:

Messrs.:	Hall	Martin	Proctor
Callahan	Holmes	McDonald	St. John
deGraffenried	Keener	Miller	Teague
Gulledge	Little	Parsons	

—14

Nays:

Messrs.:
Denton
Goodwin

Harrison
Lemaster

Mitchem
Smith

Taylor
White

—8

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 57. RESOLUTION CONGRATULATING COACH EDDIE STANKY ON HIS SUCCESSFUL OPERATION.

Also:

S. J. R. 58. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 59. CITING CAPTAIN W. O. NICHOLS FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 60. HONORING CAPTAIN ROBERT W. MOORE UPON HIS RETIREMENT FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. HADLEY E. SHURETT OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 63. REQUESTING EASTERN AIRLINES TO RECONSIDER ITS DECISION TO DISCONTINUE SERVICE IN MONTGOMERY, AND URGING ASSISTANCE OF THE ALABAMA CONGRESSIONAL DELEGATION IN RETAINING SAID SERVICE.

Also:

S. J. R. 67. COMMENDING THE ALBERTVILLE HIGH SCHOOL BAND FOR FIRST PLACE 1980 HONORS IN NEW ORLEANS, LOUISIANA.

Also:

S. J. R. 68. COMMENDING MR. HOYT WEBB FOR MERITORIOUS SERVICE WITH THE AUBURN UNIVERSITY EXTENSION SERVICE.

Also:

S. J. R. 80. COMMENDING THE PICKENS COUNTY VOLUNTEER FIRE DEPARTMENTS.

Also:

S. J. R. 83. CONGRATULATING THE BOAZ HIGH SCHOOL PI-RATES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

S. J. R. 84. MOURNING THE DEATH OF ANDALUSIA CITY COUNCILMAN, L. FRED PRICE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 109. That when we adjourn today, Thursday, March 13, 1980, we adjourn to meet again on Tuesday, March 18, 1980.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Also:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 109. Relative to the next meeting date; i. e., Tuesday, March 18, 1980.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 97. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 97, to-wit:

COMMITTEE AMENDMENT TO S. B. 97

Amend Senate Bill 97, page 2, section 2 on line 8 after the words "general fund," insert the following:

"Said appropriation shall be conditional upon the Governor's approval and the Governor shall determine whether said amounts shall be paid during the 1979-80 fiscal year or the 1980-81 fiscal year."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Barron	Harrison	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Proctor	Weeks
Denton	Lemaster	Robertson	White
Goodwin	Little		

—29

Nays: —0

And said Bill, S. B. 97, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Proctor	White
Figures			

—28

Nays: —0

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. deGraffenried:

S. 445. To amend Section 10-9-24, Code of Alabama 1975, which relates to the admission of additional limited partners in limited partnerships, so as to provide further for the admission of said limited partners and to provide for its retroactive effect.

Committee on Judiciary.

By Messrs. Harrison and Taylor:

S. 446. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney

General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Committee on Judiciary.

By Mr. Parsons:

S. 447. To amend section 12-17-4, Code of Alabama 1975, relating to the procedure for court personnel joining the state personnel system to transfer to the state employees' retirement system, so as to provide further for the procedure by which such personnel may purchase prior service credit in the state employees' retirement system.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 448. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 449. To provide for the appointment and removal of bank investigators by the governor and to specify the powers of bank investigators and the responsibilities of the employing bank.

Committee on Banking and Insurance.

By Messrs. Cook, deGraffenried and Parsons:

S. 450. To amend Section 25-9-80, Code of Alabama 1975, which relates to mining ventilation, so as to further provide for requirements relating to auxiliary drive mechanisms.

Committee on Commerce, Transportation
and Utilities.

By Mr. McDonald:

S. 451. To provide that any person convicted of certain crimes shall never be eligible for parole under Article 2 of Chapter 22 of Title 15 of the Code of Alabama 1975, nor for any deduction of sentence under Chapter 9 of Title 14 of the Code of Alabama 1975.

Committee on Judiciary.

By Messrs. Proctor, St. John, deGraffenried, Keener, Robertson, Denton, Holmes, Barron, Mitchem, Harrison, Martin, Britnell, Lemaster, Kirkland, Parsons, Hall, Vacca, Bailey, Goodwin, Taylor, Little, Gullege, Teague, Cook, McDonald, Pearson, Weeks and Smith:

S. 452. To amend Section 1 and Section 2 of Act 79-540 (H. 580) so as to remove the requirement for an unappropriated ending balance.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Cook:

S. 453. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

Committee on Finance and Taxation.

RESOLUTION

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 90. THE SENSE OF THE SENATE ON UNEARMARKING.

WHEREAS, the Senate has received information from the Legislative Fiscal Officer, the Finance Director and the Director of the State Insurance Fund, relating to sources of funds that may be used in a temporary solution of funding Medicaid; and

WHEREAS, the information received by the Senate indicates funds to be available without addressing the question of unearmarking the Special Educational Trust Fund; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That any decision on the solution of the Medicaid issue shall not be clouded with attempts to unearmark the Special Educational Trust Fund.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	White

—31

Nays:

—0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Bill:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John
Bailey	Goodwin	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Martin	Teague
Callahan	Holmes	Mitchem	Vacca
Cook	Keener	Proctor	White

—23

Nays:

—0

The Bill:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

was taken up.

Mr. White offered the following amendment to the Bill, H. B. 593, to-wit:

AMENDMENT TO H. 593

Amend H. 593 on page 2, line 6, following the word "system," by inserting the following:

to be provided by the Alabama Criminal Justice Information Center,
Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John
Bailey	Goodwin	Lemaster	Smith
Barron	Gulledge	Little	Taylor
Callahan	Hall	Martin	Teague
Cook	Holmes	McDonald	Vacca
deGraffenried	Keener	Proctor	White
Denton			

—24

Nays:

—0

And said Bill, H. B. 593, as thus amended, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Proctor	White

—27

Nays:

—0

The Bill:

H. 595. To provide that all medicaid eligible persons shall be required to pay the sum of \$1.00 for all prescription drugs received under the medicaid program, except designated exemptions.

was taken up.

Mr. White offered the following substitute for the Bill, H. B. 595, to-wit:

SUBSTITUTE FOR H. B. 595

A BILL
TO BE ENTITLED
AN ACT

To provide that all medicaid eligible persons shall be required to pay the maximum allowable co-payment under federal law or administrative regulation for all prescription drugs received under the medicaid program except designated exemptions; to provide for collection therefor; and to provide that the provisions of this act shall not be effective if found by the courts to violate federal law or federal administrative regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Medicaid eligible persons shall pay the maximum allowable co-payment under federal law or administrative regulation for each prescription drug received under the medicaid program, except for designated exemptions.

Section 2. Said maximum allowable co-payment shall be collected by the dispensing pharmacy and credited against the medicaid payment to the pharmacy for the drug.

Section 3. Designated exemptions include prescriptions for family planning drugs and those used in the treatment of persons participating in the Medicaid Early and Periodic Screening, Diagnosis and Treatment Program.

Section 4. The provisions of this act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal administrative regulations applicable to the Medicaid Program.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Gulledge
Bailey	Callahan	Denton	Hall
Barron	Cook	Goodwin	Harrison

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Holmes	Mitchem	Robertson	Teague	
Keener	Parsons	Smith	Vacca	
Little	Proctor	Taylor	White	
Martin				—24

Nays: —0

And said Bill, H. B. 595, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	Miller	Teague	
Callahan	Harrison	Mitchem	Vacca	
Cook	Holmes	Parsons	White	
deGraffenried	Keener	Proctor		—26

Nays: —0

The Bill:

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Denton	Kirkland	Robertson	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Harrison	Parsons	Vacca	
Cook	Holmes	Proctor	White	
deGraffenried	Keener			—25

Nay: Mr. Lemaster —1

The Bill:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medical agency and authorization for release of information.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 600, to-wit:

COMMITTEE AMENDMENT TO H. B. 600

Amend House Bill 600, Page 1, in the Title, Line 16, after the word "state" by deleting medical and inserting in lieu thereof medicaid.

Which was adopted.

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607

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson	
Bailey	Gulledge	Martin	Smith	
Barron	Hall	McDonald	Taylor	
Britnell	Harrison	Miller	Teague	
Callahan	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	White	
Denton	Lemaster			—25

Nays: —0

And said Bill, H. B. 600, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Callahan	Kirkland	Proctor	Vacca	
deGraffenried	Lemaster	Robertson	White	
Goodwin	Little	St. John		—22

Nays: —0

The Bill:

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Goodwin	Little	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Harrison	Robertson	White	
deGraffenried	Holmes	St. John		—22

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Also:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Also:

S. J. R. 57. RESOLUTION CONGRATULATING COACH EDDIE STANKY ON HIS SUCCESSFUL OPERATION.

Also:

S. J. R. 58. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

Also:

S. J. R. 59. CITING CAPTAIN W. O. NICHOLS FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 60. HONORING CAPTAIN ROBERT W. MOORE UPON HIS RETIREMENT FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. HADLEY E. SHURETT OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 63. REQUESTING EASTERN AIRLINES TO RECONSIDER ITS DECISION TO DISCONTINUE SERVICE IN MONTGOMERY, AND URGING ASSISTANCE OF THE ALABAMA CONGRESSIONAL DELEGATION IN RETAINING SAID SERVICE.

Also:

S. J. R. 67. COMMENDING THE ALBERTVILLE HIGH SCHOOL BAND FOR FIRST PLACE 1980 HONORS IN NEW ORLEANS, LOUISIANA.

Also:

S. J. R. 68. COMMENDING MR. HOYT WEBB FOR MERITORIOUS SERVICE WITH THE AUBURN UNIVERSITY EXTENSION SERVICE.

Also:

S. J. R. 80. COMMENDING THE PICKENS COUNTY VOLUNTEER FIRE DEPARTMENTS.

Also:

S. J. R. 83. CONGRATULATING THE BOAZ HIGH SCHOOL PI-RATES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

S. J. R. 84. MOURNING THE DEATH OF ANDALUSIA CITY COUNCILMAN, L. FRED PRICE.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Bill:

S. 81. To reopen the Employees' Retirement System of Alabama for prior service for certain members who are precluded from obtaining credit for such service for reasons other than nonmembership, providing that as a prerequisite to such credit members must, on October 1, 1980, be active and contributing members of the Employees' Retirement System of Alabama; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1980. was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 81, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 81

A BILL TO BE ENTITLED AN ACT

To reopen the Employees' Retirement Systems of Alabama for prior service for certain members who are precluded from obtaining credit for such service for reasons other than nonmembership, providing that as a

prerequisite to such credit members must, on October 1, 1980, be active and contributing members of the Employees' Retirement System of Alabama; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; to allow teachers who have been on officially approved leaves of absence and to provide the purchase of credit in the Teachers' Retirement System for such leaves with the teacher paying both the employer and employee cost therefor; and providing that this Act shall take effect October 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever used in this Act, all words and phrases defined in Code of Alabama 1975, Section 36-27-1, shall have the same meanings ascribed to them in such section, unless the context clearly indicates that a different meaning is intended and for the purposes of this Act all present words and phrases defined in Code of Alabama for the Teachers' Retirement System statute shall retain the same meanings ascribed to them unless the context of this bill clearly indicates that a different meaning is intended.

Section 2. Any active and contributing member of the Employees' Retirement System of Alabama who on October 1, 1980, is an employee of an employer participating in the retirement system under Code of Alabama 1975, Section 36-27-6, and who has rendered creditable service to an employer prior to the date that employer's participation in the Employees' Retirement System commenced, but who is precluded from obtaining credit ~~therefor under the retirement system for reasons other than~~ having been a nonmember, may hereby claim and purchase credit for any such prior service as an employee of any county having a population of not less than 50,000 nor more than 52,500, according to the 1970 or any subsequent federal decennial census provided he shall comply with all the provisions of this Act. To provide further that any teacher who has been granted an officially approved leave of absence by an employer may purchase service credit for such leave of absence provided the teacher shall pay both the employer and the employee cost at an annual rate of interest of 8 per cent per annum.

Section 3. Any member eligible to claim and purchase credit for prior service under Section 2 hereof shall be awarded such credit under the Employees' Retirement System of Alabama provided he shall pay to the Secretary-Treasurer of the Employees' Retirement System of Alabama, on or before January 1, 1981, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is made hereunder, plus interest at eight per centum (8%) compounded annually until the date of repayment. To provide further that any teacher covered under Section 2 hereof shall be awarded credit under the Teachers' Retirement Service of Alabama provided he shall pay to the Secretary-Treasurer of the Teachers' Retirement System of Alabama on or before January 1, 1981, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is paid hereunder at interest at eight per centum (8%) compounded annually at the date of repayment.

Section 4. Anything in this Act to the contrary notwithstanding, the employer cost for the granting of any service credit granted under the provisions of this Act shall become the continuing liability of the employer for whom such service was rendered.

Section 5. The provisions of this Act are supplemental; however, all laws or parts of laws in direct conflict herewith are hereby repealed.

Section 6. This Act shall take effect October 1, 1980.

Mr. St. John offered the following substitute for the Committee substitute for the Bill, S. B. 81, to-wit:

COMMITTEE SUBSTITUTE FOR SUBSTITUTE FOR S. B. 81

A BILL
TO BE ENTITLED
AN ACT

To reopen the Employees' Retirement Systems of Alabama for prior service for certain members who are precluded from obtaining credit for such service for reasons other than nonmembership, providing that as a prerequisite to such credit members must, on October 1, 1980, be active and contributing members of the Employees' Retirement System of Alabama; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; to allow teachers who have been on officially approved leaves of absence and to provide the purchase of credit in the Teachers' Retirement System for such leaves with the teacher paying the employee cost therefor; and providing that this Act shall take effect October 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever used in this Act, all words and phrases defined in Code of Alabama 1975, Section 36-27-1, shall have the same meanings ascribed to them in such section, unless the context clearly indicates that a different meaning is intended and for the purposes of this Act all present words and phrases defined in Code of Alabama for the Teachers' Retirement System statute shall retain the same meanings ascribed to them unless the context of this bill clearly indicates that a different meaning is intended.

Section 2. Any active and contributing member of the Employees' Retirement System of Alabama who on October 1, 1980, is an employee of an employer participating in the retirement system under Code of Alabama 1975, Section 36-27-6, and who has rendered creditable service to an employer prior to the date that employer's participation in the Employees' Retirement System commenced, but who is precluded from obtaining credit therefor under the retirement system for reasons other than having been a nonmember, may hereby claim and purchase credit for any such prior service as an employee of any county having a population of not less than 50,000 nor more than 52,500, according to the 1970 or any subsequent federal decennial census provided he shall comply with all the provisions of this Act. To provide further that any teacher who has been granted an officially approved leave of absence by an employer may purchase service credit for such leave of absence provided the teacher shall pay the employee cost at an annual rate of interest of 8 per cent per annum.

Section 3. Any member eligible to claim and purchase credit for prior service under Section 2 hereof shall be awarded such credit under the Employees' Retirement System of Alabama provided he shall pay to the Secretary-Treasurer of the Employees' Retirement System of Alabama, on or before January 1, 1981, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of

member contribution prevailing at the time payment is made hereunder, plus interest at eight per centum (8%) compounded annually until the date of repayment. To provide further that any teacher covered under Section 2 hereof shall be awarded credit under the Teachers' Retirement System of Alabama provided he shall pay to the Secretary-Treasurer of the Teachers' Retirement System of Alabama on or before January 1, 1981, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is paid hereunder at interest at eight per centum (8%) compounded annually at the date of repayment.

Section 4. Anything in this Act to the contrary notwithstanding, the employer cost for the granting of any service credit granted under the provisions of this Act shall become the continuing liability of the employer for whom such service was rendered.

Section 5. The provisions of this Act are supplemental; however, all laws or parts of laws in direct conflict herewith are hereby repealed.

Section 6. This Act shall take effect October 1, 1980.

Which was adopted.

And said Committee substitute, as amended by the St. John substitute, was then adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Robertson	White
Denton			—24

Nays: —0

And said Bill, S. B. 81, as thus amended by the Committee substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Robertson	White
Goodwin	Lemaster		—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark and Campbell:

H. 243. To amend Section 41-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 243. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cates:

H. 76. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 76. To the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark and Campbell:

H. 242. To provide for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 242. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 221. To provide that the testimony of a witness testifying under oath before a legislative committee under certain circumstances shall be admissible as evidence in any civil or criminal proceedings in any court in this state; to provide for the compelling of attendance of witnesses, the issuing of subpoenas and subpoenas duces tecum and the administering of oaths by any such committee; to provide for the transcribing and preservation of testimony; and to provide that the provisions are cumulative; and to provide for sanctions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 221. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

Said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
ON THE SUBSTITUTE FOR H. B. 540

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Substitute for H. B. 540, beg leave to report as follows:

That the Senate of Alabama and the House of Representatives concur in and adopt the following Substitute for H. B. 540:

SENATOR FINIS ST. JOHN,
SENATOR J. RICHMOND PEARSON,
SENATOR ALBERT McDONALD,
REP. RICHARD S. MANLEY,
REP. WALTER OWENS,
REP. LEIGH PEGUES.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 540

A BILL
TO BE ENTITLED
AN ACT

To transfer funds subject to certain restrictions from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. Provided there is no monetary loss in the liquidation of securities held by the state insurance fund on short term securities based on their purchase price, and no monetary loss on bonds sold based on their book value as of March 10, 1980, there is hereby transferred from the state insurance fund, as provided for in Chapter 15 of Title 41 of the Code of Alabama 1975, the sum to be determined by the Governor of up to \$25,000,000 to the credit of the state general fund and such sum is hereby appropriated and shall be used only for medicaid purposes. Such amounts as transferred to the state general fund as provided herein, or any part thereof, may be transferred back from the state general fund to the state insurance fund, with interest at 8 percent per annum, whenever the state finance director, with the approval of the Governor, determines that there are sufficient funds in the state general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 540, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Bailey	Hall	McDonald	St. John
Barron	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Callahan	Keener	Parsons	Teague
deGraffenried	Kirkland	Pearson	Vacca
Denton	Lemaster	Proctor	White
Goodwin	Little		

—29

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 540. To transfer funds subject to certain restrictions from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 207

S. B. 263

S. B. 264

REGULAR SESSION
13th Day

617

S. B. 265

S. B. 266

S. B. 267

S. B. 268

S. B. 269

S. B. 270

S. B. 271

S. B. 274

S. B. 275

S. B. 277

S. B. 280

S. B. 282

S. B. 283

S. B. 284

S. B. 285

S. B. 273

S. B. 262

Delivered to the Governor, March 12, 1980, at 6:25 P.M.

S. B. 86

S. B. 87

S. J. R. 57

S. J. R. 58

S. J. R. 59

S. J. R. 60

S. J. R. 61

S. J. R. 63

S. J. R. 67

S. J. R. 68

S. J. R. 80

S. J. R. 83

S. J. R. 84

Delivered to the Governor, March 13, 1980, at 8:30 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 9:05 P.M., on motion of Mr. Parsons, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 3, 71, and 116, the Senate adjourned until Tuesday, March 18, 1980 at 1 o'clock P.M.

REGULAR SESSION
14th Day

619

FOURTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 18, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Joe Reams, Minister, First United Methodist Church, Clayton, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland	Proctor	

—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with the same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Keener:

S. 454. To amend and re-enact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

Committee on Education.

By Mr. Proctor (with notice and proof):

S. 455. Relating to Talladega County; to amend Section 2 of Act No. 660, H. 978, 1978 Regular Session (Acts 1978, p. 952), providing for a supplementary salary to the district judges so as to provide further for such salary.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S.B. 455 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Martin:

S. 456. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

Committee on Judiciary.

By Messrs. Harrison and Barron:

S. 457. To provide that for the purposes of any local sales and use taxes, the use of tangible personal property by the manufacturer or contractor thereof shall be taxed only at the point where the property is used or consumed or where the contract is performed.

Committee on Finance and Taxation.

By Mr. Lemaster:

S. 458. To provide for the licensure and registration of building inspectors; to create the Alabama Building Inspectors Board; to prescribe the powers and duties of such board; to prescribe the procedure for obtaining a building inspector's license; to provide for the revocation of licenses; and to prescribe penalties for violations of this act.

Committee on Governmental Affairs.

By Mr. Teague (with notice and proof):

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Committee on Local Legislation No. 1.

REGULAR SESSION
14th Day

621

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 459, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. McDonald, Pearson and St. John:

S. 460. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, H. 580 of the 1979 Regular Session, and to appropriate the estimated ending balance in the Alabama Special Education Trust Fund provided for in Section 1 of said Act No. 79-540.

Committee on Finance and Taxation.

By Messrs. McDonald, Pearson and St. John:

S. 461. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the general fund of the state treasury for the purposes of emergency-crisis use in administering the medicaid program through medical services administration as determined by the emergency funding council; to create said council and to give it certain powers and duties; to provide further for the use of such unencumbered and unappropriated fund transfers, so as to require a portion thereof be used for the payment of cost-of-living increases authorized by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts 1979, p. 1283), for the fiscal year ending September 30, 1980.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 462. To extend Alabama State Highway 119 past its present end to connect with Alabama State Highway 411, and directs the State Highway Department to erect the appropriate signs.

Committee on Governmental Affairs.

By Messrs. Kirkland, Taylor, Miller and Mitchem:

S. 463. To amend Section 9-13-11 of the Code of Alabama 1975, relating to forest fire protection so as to provide for the requirement of obtaining burning permits before setting a controlled fire; to provide for revoking such permits; and to provide further for criminal penalties for violations.

Committee on Agriculture, Conservation and Forestry.

By Mr. Little:

S. 464. To amend Section 40-18-14 of the Code of Alabama 1975 so as to provide further for the exemption from state income taxes of a certain amount of disability income.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 465. To amend Section 40-23-16 of the Code of Alabama 1975 relating to the state sales tax so as to further provide for the procedures governing incorrect payments when the taxpayer follows procedures in compliance with an audit by the revenue department.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

Committee on Agriculture, Conservation and Forestry.

By Messrs. Mitchem, Teague, McDonald, Denton, Lemaster, deGraffenried, Miller, Keener, Taylor, Bailey, Martin, Kirkland and Figures:

S. 467. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the

Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; and to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

Committee on Agriculture, Conservation, and Forestry.

By Mr. Pearson:

S. 468. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 21; repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 469. To amend Section 40-18-15, Code of Alabama 1975, which provides for income tax deductions for individuals, so as to increase the allowable deductions for taxes paid on tobacco and alcoholic beverages and increase the allowable deduction for charitable contributions.

Committee on Finance and Taxation.

RESOLUTIONS

Messrs. Robertson and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 91. ENCOURAGING THE CITIZENS OF TUSCALOOSA, CITY AND COUNTY, TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our communities, state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, when our domestic manufacturers are forced to close their plants because of foreign competition, a resulting increase in unemployment detrimentally affects the economy of the entire area; and

WHEREAS, further, it must be noted that, generally, foreign-made products are inferior to those manufactured in America in terms of quality and in safety; and

WHEREAS, regrettably, the citizens of Tuscaloosa, Alabama, and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in appeal for support to further our own economic interests and protect the well-being of all our citizens, we hereby urge that the City and County of Tuscaloosa set an example by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all other Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson, Parsons, and Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 92. ENCOURAGING THE CITIZENS OF ALABAMA TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, when our domestic manufacturers are forced to close their plants because of foreign competition, a resulting increase in unemployment detrimentally affects the economy of the entire area; and

WHEREAS, further, it must be noted that, generally, foreign-made products are inferior to those manufactured in America in terms of quality and in safety; and

WHEREAS, regrettably, the citizens of Alabama and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appeal for the support of the entire State of Alabama to further our own economic interests and protect the well-being of all our citizens, we hereby urge that Alabama set an example for the nation by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 217 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 11th day of March, 1980.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 217 without my signature and approval and with the following suggested Executive Amendment.

In order to correct a typographical error in the title of the Bill, delete the year "1978" in line 17 and insert in lieu thereof the year "1979".

The adoption of the above and foregoing suggested Executive Amendment will correct a typographical error in the title of this Bill.

Respectfully.

FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 70 Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 70 Nays 0.

And said Bill, H. 217, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H.B. 217, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	Miller	Smith
Callahan	Hall	Mitchem	Teague
Clemon	Harrison	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Kirkland		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bowling, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby.

H. J. R. 116. MOURNING THE DEATH OF MRS. REBECCA NARAMORE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H.J.R. 116, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

H. J. R. 115. COMMENDING THE CHILTON COUNTY VOLUNTEER FIRE DEPARTMENTS, NUMBER ONE IN RURAL FIRE DEPARTMENT ORGANIZATIONS IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H.J.R. 115, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Moore and Waggoner:

H. J. R. 111. COMMENDING THE MONTEVALLO HIGH SCHOOL BAND FOR EXCELLENCE.

Also:

By Rep. Bedsole:

H. J. R. 113. CONGRATULATING THE UNIVERSITY OF SOUTH ALABAMA'S GIRLS BASKETBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 111, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Teague, the Rules were suspended and the Resolution, H.J.R. 113, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Kelley and Turnham:

H. J. R. 112. "CONGRESSIONAL APPROVAL OF PENSION FOR WORLD WAR I VETERANS"

A Concurrent Resolution memorializing Congress to enact House of Representatives Bill 1918, a service pension for certain surviving spouses and dependent children of veterans of World War I.

WHEREAS, sixty-three years ago, the Nation declared war on Germany and Austria in defense of freedom of the seas and over four and one-half million young Americans left their jobs and classrooms to help win the war that was "To make the World safe for Democracy"; and,

WHEREAS, Alabama sent 86,000 men to fight in World War I and some 8,000 of them are still living at an average age of 84 years, with a large percentage of them being house-bound and in desperate need of care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Congress pay the debt that America owes these needy, aged, veterans, by enacting into law H.R. 1918.

BE IT FURTHER RESOLVED that the Secretary of State be directed to transmit enrolled copies of this Resolution to the President of the United States, the Honorable Jimmy Carter, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each Member of Congress from our State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 112, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

Also:

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Also:

H. 601. To revoke or deny eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 93. Honoring the Coffee High School Basketball Team.

Which was adopted.

LOCAL BILLS

BILLS ON THIRD READING

The Bill:

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Clemon	Higginbotham	Mitchem	Teague
Cook	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	White
Goodwin	Lemaster		

—25

Nays:

—0

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom

in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

The question was on the Keener substitute, as amended, which said substitute is set out in the Journal of the Senate for the Fourth Legislative Day.

On motion of Mr. Keener, said substitute was laid on the table.

Mr. Keener then offered the following substitute for the Bill, S.B. 3, to-wit:

SUBSTITUTE FOR S. B. NO. 3

A BILL TO BE ENTITLED AN ACT

To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

By It Enacted by the Legislature of Alabama.

§ 1. Short Title.

This act shall be known as and may be cited as the Alabama Administrative Procedure Act.

§ 2. Statement of purpose.

This act is intended to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public. Nothing in this act is meant to discourage agencies from adopting procedures conferring additional rights upon the public; and, save for express provisions of this act to the contrary, nothing in this act is meant to abrogate in whole or in part any statute prescribing procedural duties for an agency which are in addition to those provided herein.

The purposes of the Alabama Administrative Procedure Act are: to provide legislative oversight of powers and duties delegated to administrative agencies; to increase public accountability of administrative agencies; to simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions; to increase public access to governmental information; to increase public participation in the formulation of administrative rules; to increase the fairness of agencies in their conduct of contested case proceedings; and to simplify the process of judicial review of agency action as well as increase its ease and availability. In accomplishing its objectives, the intention of this act is to

strike a fair balance between these purposes and the need for efficient, economical and effective government administration. The act is not meant to alter the substantive rights of any person or agency. Its impact is limited to procedural rights with the expectation that better substantive results will be achieved in the everyday conduct of state government by improving the process by which those results are attained.

Every state agency having express statutory authority to promulgate rules and regulations shall be governed by the provisions of this act and any additional provisions required by statute, and shall also have the authority to amend or repeal rules and regulations, and to prescribe methods and procedures required in connection therewith. Nothing in this act shall be construed as granting to any agency the authority to adopt or promulgate rules and regulations.

All agencies whose power to establish rules is subject to the approval of the Supreme Court are exempted from the provisions of this act.

§ 3. Definitions.

The following words and phrases when used in this act shall, for the purpose of this act, have meanings respectively ascribed to them in this section, except when the context otherwise requires.

(1) Agency. Every board, bureau, commission, department, officer, or other administrative office or unit of the state, other than the legislature, or the courts or the Alabama public service commission. The term shall not include counties, municipalities, or local governmental units, unless they are expressly made subject to this act by general or special law.

(2) Committee. The Joint Committee on Administrative Regulation review.

(3) Contested case. A proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing. Provided, however, that the term shall not include intra-agency personnel actions.

(4) License. The whole or part of any agency franchise, permit, certificate, approval, registration, charter of similar form of permission required by law, but not a license required solely for revenue purposes when issuance of the license is merely a ministerial act.

(5) Licensing. The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license or imposition of terms for the exercise of a license.

(6) Party. Each person or agency named or admitted as a party or properly seeking and entitled as a matter of right (whether established by constitution, statute or agency regulation or otherwise) to be admitted as a party, or admitted as an intervenor under Section 14 of this act. An agency may by rule authorize forms of participation in agency proceedings for persons who are not eligible to become parties.

(7) Person. Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(8) Quorum. No less than a majority of the members of a multi-member agency shall constitute a quorum authorized to act in the name of the agency, unless provided otherwise by statute.

(9) Rule. Each agency regulation, standard or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term includes the amendment or repeal of all existing rules but does not include the following:

(a) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) Declaratory rulings issued pursuant to § 11 hereof;

(c) Intergovernmental, interagency, and intra-agency memoranda, directives, manuals or other communications which do not substantially affect the legal rights of, or procedures available to, the public or any segment thereof;

(d) Determinations, decisions, orders, statements of policy and interpretations that are made in contested cases;

(e) An order which is directed to a specifically named person or to a group of specifically named persons which does not constitute a general class, and the order is served on the person or persons to whom it is directed by the appropriate means applicable thereto; the fact that the named person who is being regulated serves a group of unnamed persons who will be affected does not make such order a rule;

(f) An order which applies to a specifically described tract of real estate;

(g) Any rules or actions relating to:

(i) the conduct of inmates of public institutions;

(ii) the curriculum of public educational institutions or the admission, conduct, discipline, or graduation of students of such institutions, provided, however, that this exception shall not extend to rules or actions of the State Department of Education;

(iii) opinions issued by the Attorney General of the State of Alabama;

(iv) the conduct of commissioned officers, warrant officers and enlisted persons in the military service.

§ 4. Public information; adoption of rules, public inspection; availability of rules and orders; sanction.

(1) in addition to the other rule-making requirements imposed by law, each agency shall:

(a) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(c) make available for public inspection and copying, at cost, all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(d) make available for public inspection and copying, at cost, and index by name and subject all final orders, decisions, and opinions which are issued after the effective date of this act except those expressly made confidential or privileged by statute or order of court.

(2) No agency rule, order, or decision shall be valid or effective against any person or party nor may it be invoked by the agency for any purpose until it has been made available for public inspection and indexed as required by this section and the agency has given all notices required by section 5 hereof. This provision is not applicable in favor of any person or party who has actual knowledge thereof and the burden of proving such knowledge shall be on the agency.

§ 5. Procedure for adoption of rules.

(1) Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(a) give at least thirty-five days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely request of the agency for advance notice of its rule-making proceedings and shall be published, prior to any action thereon, in the Alabama Administrative Monthly. A complete copy of the proposed rules shall be filed with the secretary of the agency and the Secretary of State.

(b) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

(2) Emergency rules. Notwithstanding any other provision of this act to the contrary, if an agency finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than thirty-five days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule shall become effective immediately, unless otherwise stated therein, upon the filing of the rule and a copy of the written statement of the reasons therefor with the Secretary of the State and the secretary of the agency. The rule may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not adopt the same or a substantially similar emergency rule within one calendar year from its first adoption unless the agency clearly establishes it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. The adoption of the same or a substantially similar rule by normal rule-making procedures is not precluded.

(3) It is the intent of this section to establish basic minimum procedural requirements for the adoption, amendment or repeal of administrative rules. Except for emergency rules which are provided for in subsection (2), the provisions of this section are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power grant by law to the State or any agency thereof.

(4) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this section must be commenced within two years from the effective date of the rule; provided, however, that a proceeding to contest a rule based on failure to provide notice as herein required may be commenced at any time.

§ 6. Filing and taking effect of rules.

(1) Each agency shall have an officer designated as its Secretary and shall file in the office of the secretary of the agency a certified copy of each rule adopted by it, including all rules as defined in this act existing on the effective date of this act. The Secretary of the agency shall keep a permanent register of the rules open to public inspection.

(2) The secretary of each agency shall file in the Office of the Secretary of State, no later than fifteen days after the filing with the secretary of the agency, in a form and manner prescribed by the Secretary of State a certified copy of each rules adopted by it, including all rules as defined in this act existing on the effective date of this act. The Secretary of State shall keep a permanent register of the rules open to public inspection.

(3) Each rule hereafter adopted is effective thirty-five days after filing with the Secretary of the State, except that:

(a) if a later date is required by statute or specified in the rule, the later date is the effective date;

(b) subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the Secretary of the State, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, if the agency finds:

(i) that a statute so provides; or

(ii) that this effective date is necessary because of immediate danger to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this subparagraph (ii), the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to apprise the persons who may be affected by its rules of the adoption of rules made effective under the terms of this subparagraph.

§ 7. Publication of rules.

(1) The Secretary of the agency shall establish and maintain an official register of regulations which shall be compiled, indexed, published in loose-leaf form, and kept up to date by the Secretary of the agency. This register of regulations shall be known as "The (name of the agency) Administrative

Code,” and it shall be made available, upon request, at cost to all persons for copying and inspection and to those persons who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The secretary of the agency shall number and renumber rules to conform with a uniform numbering system devised by the Secretary of State.

(2) The secretary of the agency may omit from its administrative code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the secretary of the agency, and exclusion from publication shall not affect their validity or effectiveness. The secretary of the agency shall publish a compilation of, and index to, all rules so omitted at least annually.

(3) The secretary of the agency shall make copies of the agency’s administrative code available on an annual subscription basis, at cost.

(4) The secretary of the agency shall file with the Secretary of State, not later than fifteen days after filing with the secretary of the agency, all rules or amendments or repeal of rules promulgated by the agency. In addition, the Secretary of the Alabama public service commission shall file with the Secretary of State, not later than fifteen days after filing with the secretary of the commission, all rules or amendments or repeal of rules promulgated by that commission.

(5) The Secretary of State shall establish and maintain an official register of regulations which shall be so compiled, indexed, published in loose-leaf form and kept up to date by the Secretary of State. The register of regulations shall be known as the “Alabama Administrative Code,” and shall be made available at cost, upon request, to all persons for inspection and copying or who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The Secretary of State shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

(6) The Secretary of State shall publish a monthly bulletin entitled the “Alabama Administrative Monthly”, which shall contain the text of all rules filed during the preceding month, excluding rules in effect upon the adoption of this act, together with other material required by law and such other material the agency or committee determines to be of general interest.

(7) The Secretary of State may omit from the Alabama Administrative Monthly and the Alabama Administrative Code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the Secretary of State, and exclusion from publication shall not affect their validity or effectiveness. The Secretary of State shall publish a compilation of, and index to, all rules so omitted at least annually.

(8) The Secretary of State shall make copies of the Alabama Administrative Code and copies of the Alabama Administrative Monthly available at cost on an annual subscription basis.

(a) The Secretary of State shall charge each agency using the Alabama Administrative Monthly a space rate computed to cover all publishing or printing costs related to the Alabama Administrative Monthly.

§ 8. Petition for adoption of rules.

Each agency shall prescribe by rule the form for petition requesting the adoption, amendment or repeal of a rule and the procedure for submission, consideration, and disposition thereof. Within sixty days after submission of a petition, the agency either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with Section 5.

§ 9. Adoption by reference.

An agency may adopt, by reference in its rules and without publishing the adopted matter in full, all or any part of a code, standard or regulation which has been adopted by any other agency of this state or any agency of the United States. The reference shall fully identify the adopted matter by date and otherwise. The agency shall have available copies of the adopted matter for inspection and the rules shall state where copies of the adopted matter can be obtained and any charge therefor as of the time the rule is adopted.

§ 10. Declaratory judgment on validity or applicability of rules.

The validity or applicability of a rule may be determined in an action for a declaratory judgment, or its enforcement stayed by injunctive relief, in the circuit court of Montgomery County, unless otherwise specifically provided by statute, if the court finds that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without substantial compliance with rule-making procedures provided for in this act.

§ 11. Declaratory rulings by agencies.

On the petition of any person substantially affected by a rule, an agency may issue a declaratory ruling with respect to the validity of the rule or with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the agency. The petition seeking an administrative determination under this section shall be in writing and shall state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule. Each agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration and disposition, and shall prescribe in its rules the circumstances in which rulings shall or shall not be issued. A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by a court in a proper proceeding. Such rulings are subject to review in the circuit court of Montgomery County, unless otherwise specifically provided by the statute, in the manner hereinafter provided for the review of decisions in contested cases. Failure of the agency to issue a declaratory ruling on the merits within forty-five days of the request for such ruling shall constitute a denial of the request as well as a denial of the merits of the request and shall be subject to judicial review.

§ 12. Contested cases; notice; hearing; records.

(1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail return receipt requested. However, an agency may provide by rule for the delivery of such notice by other means. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.

(2) The notice shall include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and rules involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(3) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.

(4) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved and to be represented by counsel at their own expense.

(5) Unless precluded by statute, informal dispositions may be made of any contested cause by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing.

(6) The record in a contested case shall include:

(a) All pleadings, motions, and intermediate rulings.

(b) All evidence received or considered and all other submission; provided, in the event that evidence in any proceeding may contain proprietary and confidential information, steps shall be taken to prevent public disclosure of that information.

(c) A statement of all matters officially noticed.

(d) All questions and offers of proof, objections and rulings thereon.

(e) All proposed findings and exceptions.

(f) Any decisions, opinion or report by the officer presiding at the hearing.

(g) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case; provided, if such memoranda or data contains information of a proprietary and confidential nature, it shall be protected by the agency from public disclosure.

(7) Oral proceedings shall be open to the public, unless private hearings are otherwise authorized by law. Oral proceedings shall be recorded either by mechanized means or by qualified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the agency for at least five years from the date of decision, and shall be made available for inspection by the public except in those cases where private hearings are authorized by law, or where the proceedings shall be ordered sealed by order of court, or are required to be sealed by statute.

(8) Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

§ 13. Rules of evidence; officially noticed facts.

In contested cases:

(1) The rules of evidence as applied in non-jury civil cases in the circuit courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross examination of the witness. The testimony of parties and witnesses shall be made under oath.

(2) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the agency. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examination required for a full and true disclosure of the facts

(4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

(5) The experience, technical competence, and specialized knowledge of the agency may be utilized in the evaluation of the evidence.

§ 14. Intervention.

In contested cases:

(1) Upon timely application any person shall be permitted to intervene: (a) when a statute confers an unconditional right to intervene; or (b) when the applicant has an individual interest in the outcome of the case as distinguished from a public interest and the representation of the interest of the applicant is inadequate.

§ 15. Proposed orders; final decisions; examination of evidence.

In a contested case, a majority of the officials of the agency who are to render the final order must be in accord for the decision of the agency to be a final decision. If any official of the agency who is to participate in the final decision has not heard the case or read the record, and his vote would affect the final decision, the final decision shall not be made until a proposed order is prepared and an opportunity is afforded to each party adversely affected by the proposed order to file exceptions and present

briefs and oral argument to the official not having heard the case or read the record. The proposed order shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision prepared by the person who conducted the hearing or one who read the record. The proposed order shall become the final decision of the agency without further proceedings unless there are exceptions filed or an appeal to the agency within the time provided by rule. The parties by written stipulation may waive compliance with this section.

§ 16. Final decisions and orders.

(1) The final order in a proceeding which affects substantial interests shall be in writing and made a part of the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within thirty days:

- (a) After the hearing is concluded, if conducted by the agency;
- (b) After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by a hearing officer; or,
- (c) After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing. The thirty day period may be waived or extended with the consent of all parties and may be extended by law with reference to specific agencies.

(2) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order shall include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

(3) If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoinable from the date rendered.

(4) Parties shall be notified either personally or by certified mail return receipt requested of any order, and, unless waived, a copy of the final order shall be so delivered or mailed to each party or to his attorney of record.

§ 17. Application for rehearing.

(1) Any party to a contested case who deems himself aggrieved by a final order and who desires to have the same modified or set aside may within fifteen days after entry of said order file an application for rehearing which shall specify in detail the grounds for the relief sought therein and authorities in support thereof.

(2) The filing of such an application for rehearing shall not extend, modify, suspend or delay the effective date of the order, and said order shall take effect on the date fixed by the agency and shall continue in effect unless and until said application shall be granted or until said order shall be superseded, modified, or set aside in a manner provided by law.

(3) Such application for rehearing will lie only if the final order is:

- (a) in violation of constitutional or statutory provisions;

- (b) in excess of the statutory authority of the agency;
- (c) in violation of an agency rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;

(f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(4) Copies of such application for rehearing shall be served on all parties of record, who may file replies thereto.

(5) Within 30 days from the filing of an application the agency may in its discretion enter an order:

- (a) setting a hearing on the application for a rehearing which shall be heard as soon as practicable; or,
- (b) with reference to the application without a hearing; or,
- (c) grant or deny the application.

If the agency enters no order whatsoever regarding the application within the thirty day period, the application shall be deemed to have been denied as of the expiration of the 30 day period.

§ 18. Separation of functions.

(1) No individual who participates in the making of any proposed order or final decision in a contested case shall have prosecuted or represented a party in connection with that case, the specific controversy underlying that case, or another pending factually related contested case, or pending factually related controversy that may culminate in a contested case involving the same parties. Nor shall any such individual be subject to the authority, direction or discretion of any person who has prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy, involving the same parties.

(2) A party to a contested case proceeding may file a timely and sufficient affidavit asserting disqualification according to the provisions of subsection (1), or asserting personal bias of an individual participating in the making of any proposed order or final decision in that case. The agency shall determine the matter as part of the record in the case. When an agency in these circumstances makes such a determination with respect to an agency member, that determination shall be subject to de novo judicial review in any subsequent review proceeding of the case.

§ 19. Proceedings affecting licenses.

(1) The provisions of this act concerning contested cases shall apply to the grant, denial, revocation, suspension, or renewal of a license.

(2) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application

has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(3) No revocation, suspension, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conducted which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

(4) If the agency finds that danger to the public health, safety, or welfare requires emergency suspension of a license and states in writing its reasons for that finding, it may proceed without hearing or upon any abbreviated hearing that it finds practicable to suspend the license. The suspension shall become effective immediately, unless otherwise stated therein. The suspension may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not suspend the same license for the same or a substantially similar emergency within one calendar year from its first suspension unless the agency clearly establishes that it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or revocation proceeding under subsection (3) of this section shall also be promptly instituted and acted upon.

§ 20. Judicial review of contested cases.

(1) A party who has exhausted all administrative remedies available within the agency (other than rehearing) and who is aggrieved by a final decision in a contested case is entitled to judicial review under this act. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(2) Except in matters for which judicial review is otherwise provided for by law, all proceedings for review shall be instituted by filing of notice of appeal or review and, where required by statute, a cost bond, with the agency. A petition shall be filed in the circuit court of the county in which the agency maintains its headquarters, or unless otherwise specifically provided by statute, where a party (other than an intervenor) resides or if a party (other than an intervenor), is a corporation, domestic or foreign, having a registered office of business office in this state, then in the county of such registered office or principal place of business within this state.

(3) The filing of the notice of appeal or the petition does not itself stay enforcement of the agency decision. If the agency decision has the effect of suspending or revoking a license, a stay or supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the reviewing court, upon petition of the agency, determines that a stay or supersedeas would constitute a probable danger to the public health, safety, or welfare. In all other cases, the agency may grant, or the reviewing court may order, a stay upon appropriate terms, but, in any event, the order shall specify the conditions upon which the stay or supersedeas is granted; provided, however, if the appeal or proceedings for review to any reviewing court is from an order of the agency increasing, or reducing or refusing to increase, rates, fares or charges, or any of them, or any schedule or parts of any schedule of such rates, fares or charges, the reviewing court shall not direct or order a supersedeas or stay of the action or order to be reviewed without requiring, as a condition precedent to the granting of such supersedeas, that the party applying for

supersedeas or stay shall execute and file with the clerk of said court a bond as provided for and required by statute or law. If the circuit court shall fail or refuse to grant supersedeas or stay, the party seeking such relief may petition the Court of Civil Appeals or the Supreme Court to order a supersedeas or stay of the action or order of the agency from which review is sought. After the required bond shall have been filed and approved by the clerk, such agency order shall be stayed and superseded, and it shall be lawful to charge the rates, fares or charges which have been reduced, refused or denied by said agency order, until the final disposition of the cause. The provisions of this subsection shall apply when applicable, anything in Rule 60 of the Alabama Rules of Civil Procedure restricting the provisions of this subsection to the contrary notwithstanding.

(4) The notice of appeal or review shall be filed within thirty days after the receipt of the notice of or other service of the final decision of the agency upon the petitioner, or, if a rehearing is requested under section 17, within thirty days after the decision thereon. The petition for judicial review in the circuit court shall be filed within thirty days after the filing of the notice of appeal or review. Copies of the petition shall be served upon the agency and all parties of record after the petition is filed with the court. Any party to the agency proceeding may become a party to the review proceedings by notifying the court within thirty days after receipt of the copy of the petition. Any person aggrieved may petition to become a party by filing a motion to intervene as provided in section 14 of this act. Failure to file such petition within the time stated shall operate as a waiver of the right of such person to review under this act, except that for good cause shown the judge of the reviewing court may extend the time for filing not to exceed an additional thirty days or, within 4 months after the issuance of the agency order, issue an order permitting a review of the agency decision under this act notwithstanding such waiver.

(5) If there has been no hearing prior to agency action and the reviewing court finds that the validity of the action depends upon disputed facts, the court shall order the agency to conduct a prompt fact-finding proceeding under this act after having a reasonable opportunity to reconsider its determination on the record of the proceedings.

(6) Unreasonable delay on the part of an agency in reaching a final decision shall be justification for any person whose rights, duties, or privileges are adversely affected by such delay to seek a court order compelling action by the agency.

(7) Within thirty days after receipt of the notice of appeal, or within such additional time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record and transcript of the proceedings under review. With the permission of the court, the record of the proceedings under review may be shortened by stipulation of all parties to the review proceedings. Any party found by the reviewing court to have unreasonably refused to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(8) The petition for review shall name the agency as respondent and shall contain a concise statement of:

- (a) The nature of the agency action which is the subject of the petition.
- (b) The particular agency action appealed from.

- (c) The facts and law on which jurisdiction and venue are based.
- (d) The grounds on which relief is sought.
- (e) The relief sought.

(9) In proceedings for judicial review of agency action in a contested case, however, a reviewing court shall not itself hear or accept any further evidence with respect to those issues of fact whose determination was entrusted by law to the agency in that contested case proceeding; provided, however, that evidence may be introduced in the reviewing court as to fraud or misconduct of some person engaged in the administration of the agency or procedural irregularities before the agency not shown in the record and the affecting order, ruling or award from which review is sought, proof thereon may be taken in the reviewing court. If, before the date set for hearing a petition for judicial review of agency action in a contested case, it is shown to the satisfaction of the court that additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency the court may remand to the agency and order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modification, new findings, or decision with the reviewing court and mail copies of the new findings or decision to all parties.

(10) The review shall be conducted by the court without a jury and shall in the review of contested cases be confined to the record and such additions thereto as may be made under subsection (9) of this section. The court, upon request, shall hear oral argument and receive written briefs.

(11) The agency order shall be taken as *prima facie* just and reasonable and the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, except where otherwise authorized by statute. The court may affirm the agency action or remand the case to the agency for taking additional testimony and evidence or for further proceedings. The court may reverse or modify the decision or grant other appropriate relief from the agency action, equitable or legal and including declaratory relief, if the court finds that the agency action is due to be set aside or modified under the standards set forth in appeal or review statutes applicable to that agency, or where no such statutory standards for judicial review are applicable to the agency, if substantial rights of the petitioner have been prejudiced because the agency action is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) in violation of any agency rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;
- (f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(12) Unless the court affirms the decision of the agency, the court shall set out in writing, which writing shall become a part of the record, the reasons for its decision.

(13) The provisions of this section shall not apply to judicial review of any final decision in a contested case if an appeal from such agency decision is authorized by law to be taken directly to the Supreme Court of Alabama.

§ 21. Appeals.

An aggrieved party may obtain a review of any final judgment of the circuit court under section 20 of this act by appeal to the Court of Civil Appeals, except as provided by statute which authorizes an appeal to the Supreme Court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

§ 22. Joint Committee on Administrative Regulation Review.

(1) There shall be a joint standing legislative committee known as the Joint Committee on Administrative Regulation Review, to review all agency rules. The committee shall consist of three members of the House of Representatives to be appointed by the Speaker of the House and three members of the Senate appointed by the Lieutenant Governor. The Lieutenant Governor shall appoint the chairman in even years and the vice chairman in odd years, and the Speaker of the House shall appoint the chairman in odd years and the vice chairman in even years, from among the committee membership. Vacancies shall be filled by appointment by the authority making the appointment. Members shall serve for the term for which they were elected to office. Members shall serve without additional compensation, but shall be reimbursed for travel expenses to meetings of the Committee.

(2) The Committee shall:

(a) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact.

(b) Review administrative rules and advise the agencies concerned of its findings.

(c) Have the further duties prescribed in section 23.

(d) Report to the Legislature at least annually, no later than the fifth legislative day of the regular session, and recommend needed legislation or other appropriate action.

§ 23. Committee Review of Proposed Rules.

The notice required by section 5 (1) (a) of this act shall be given, in addition to the persons there named, to the chairman of the legislative committee. The agency shall furnish the committee with ten copies of the proposed rule or rules, and no rule, except an emergency rule issued pursuant to section 5 (2) of this act, shall be effective until these copies are so furnished. Any member of the Senate and House of Representatives who requests a copy of proposed agency rules from the chairman of the Joint Committee on Administrative Regulation Review shall be provided a copy and the agency proposing rules shall furnish additional copies of the proposed rule or rules immediately. The form of the proposed rule presented to the committee shall be as follows: New language shall be in capital letters and language to be deleted shall be enclosed in brackets.

§ 24. Construction.

The Alabama Administration Procedure Act shall be construed broadly to effectuate its purposes. Except as expressly provided otherwise by this act or by another statute referring to this act by name, the rights created and the requirements imposed by this act shall be in addition to those created or imposed by every other statute in existence on the date of the passage of this act or thereafter enacted. If any other statute in existence on the date of the passage of this act or thereafter enacted diminishes any right conferred upon a person by this act or diminishes any requirement imposed upon an agency by this act, this act shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this named act. Except as to proceedings in process on that date which shall be October 1, 1982, this act shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this act or by another statute specifically referring to this act by name.

§ 25. Repeal of Inconsistent Laws.

It is the express intent of the legislature to replace all provisions in statutes of this state relating to rule-making, agency orders, administrative adjudication, or judicial review thereof that are inconsistent with the provisions of this act. Therefore, all laws or parts of laws that conflict with this act are hereby repealed on the effective date of this act. Provided, however, nothing herein contained shall be construed to repeal or modify Act No. 79-277, Acts of Alabama 1979, designating the water improvement commission as the state water pollution agency for the state for all purposes of the federal Water Pollution Control Act enabling one-stop permitting.

§ 26. Time of Taking Effect.

(1) This act shall take effect at 12:01 a.m., October 1, 1981, provided, however, that section 22 of this act shall take effect October 1, 1980. In order that the Secretary of State may appoint and hire an aid to receive the rules and in order to promulgate the Alabama Administrative Code and the Alabama Administrative Monthly as soon as possible, sections 6(1), 6(2), 7(1), 7(2), 7(3), 7(4) and 7(5) shall also become effective October 1, 1980. It shall be the duty of all agencies in existence on the passage of this act and all agencies created thereafter to cooperate with the office of the Secretary of State in compiling the Alabama Administrative Code and the Alabama Administrative Monthly by submitting to the committee all rules now and hereafter in effect, and all proposed rules.

(2) All existing rules shall be indexed by October 1, 1982, and the administrative code of each agency shall be completed and up-to-date at that time and the Alabama Administrative Code shall be completed and up-to-date by November 15, 1982.

(3) Any rule in effect before 12:01 a.m., October 1, 1982, except those adopted following a public hearing that was required by statute, shall forthwith be reviewed by the agency concerned on the written request of a person substantially affected by the rule involved. The agency concerned shall initiate the rule-making procedures provided by this act within ninety days after receiving such written request. If the agency concerned fails to initiate the rule-making procedures within ninety days, the operation of the rule shall be suspended. The right of review established by this subsection shall be exercisable no earlier than October 1, 1982.

(4) All rules in effect on the passage of this act and in effect October 1, 1982, shall be valid if validly adopted under procedures prior to those provided by this act; and such rules shall be indexed and published in the administrative code of each agency; provided, however, that in the case of rules not adopted following a public hearing expressly required or permitted by statute, such rules shall be invalid and of no effect on and following October 1, 1983, unless the agency shall have adopted or readopted said rules pursuant to the requirements to this act.

(5) All contested cases and other adjudicative proceedings conducted pursuant to any provision of the statutes of this state that were begun prior to October 1, 1982, shall be continued to a conclusion, including judicial review, under the provisions of such statutes, except that contested cases and other adjudicative proceedings that have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceedings, be conducted in accordance with the provisions of this act as nearly as feasible.

§ 27. Severability.

If the provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Mr. Cook moved that further consideration of the Bill, S.B. 3, and pending substitute, be postponed temporarily.

Mr. Keener offered a substitute motion that further consideration of the Bill, S.B. 3, and pending substitute, be postponed by unanimous consent until 3 o'clock this afternoon, which motion was adopted.

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

The question was on the substitute offered by Mr. deGraffenried, which said substitute is set out in the Journal of the Senate for the Sixth Legislative Day.

On motion of Mr. St. John, said substitute was laid on the table

And said Bill, S. B. 71, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
14th Day

647

Yeas 23; Nays 1.

Yeas:

Messrs.:	Denton	Keener	Parsons
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Mitchem	White

—23

Nay: Mr. Robertson

—1

The Senate then proceeded to consideration of the third item of Unfinished Business for today, which was the Bill:

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

The question was on the Committee substitute, which said substitute is set out in the Journal of the Senate for the Sixth Legislative Day.

Mr. Little requested and received unanimous consent to postpone said Bill, S.B. 116, and pending substitute, until the next Legislative Day as Unfinished Business.

The Senate then proceeded to consideration of the fourth item of Unfinished Business for today, which was the Bill:

S. 221. Proposing a further amendment to Amendment No. 225 of the Constitution of 1901; and providing for the revenues resulting from such repealer.

Mr. St. John requested and received unanimous consent to postpone said Bill, S.B. 221, until the next Legislative Day as Unfinished Business.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 94. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourteenth legislative day only.

Bill No.	Page No.	Description
S. B. 43	29	Alabama Banking Code
S. B. 103	19	Univ. of AL B'ham-South AL approp. unrestrict
S. B. 102	19	Retirement, supplemental benefits
S. B. 188	39	Loans, alter principal
S. B. 245	47	AL Student loan Auth.

Which was adopted.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 43. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S.B. 43, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 43

Amend Senate Bill 43, page 2, line 25, Section 5-1-4 to read as follows:

"Section 5-1-4. Restrictions on engaging in banking business. No person, firm, corporation or other entity except a bank or if otherwise lawfully authorized a credit union or a savings and loan association may lend money and either receive deposits or pay checks at its principal office or branch in this state."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Barron	Higginbotham	Miller	Taylor
Britnell	Holmes	Parsons	Teague
deGraffenried	Keener	Proctor	Weeks
Denton	Kirkland	Robertson	White
Gulledge	Little	St. John	—22

Nays:

—0

The Standing Committee on Banking and Insurance then reported the following amendment to the Bill, S.B. 43, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S.B. 43, AS AMENDED

Amend Senate Bill 43 as follows:

(a) Section 5-2-9, page 6, on line 32, by deleting the word "banking" and inserting in lieu thereof the word "financial"

(b) Section 5-2-9, page 6 on line 32, by adding after the word "banks" the words "savings and loan associations and credit unions"

(c) Section 5-2-9, on page 6, line 35, by adding after the word "banks" the words "savings and loan associations and credit unions"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDonald	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Keener	Proctor	Weeks
deGraffenried	Kirkland	Robertson	White
Gulledge	Little	St. John	—22

Nays: —0

The Standing Committee on Banking and Insurance then reported the following amendment to the Bill, S. B. 43, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S.B. 43, AS AMENDED

Amend Senate Bill 43, on page 8, beginning on line 17, Section 5-2-10 to read as follows:

"Section 5-2-10. Superintendent of banks—Promulgation of regulations.

The superintendent may, with the concurrence of a majority of the members of the state banking board or, in the case of regulations exclusively affecting credit unions, with the concurrence of a majority of the credit union board of the bureau of credit unions, promulgate such reasonable regulations, consistent with the laws of this state, as may be necessary to carry out the provisions of this title over which the state banking department has jurisdiction. The superintendent shall, in addition, issue written interpretations of banking laws and regulations. Any bank and any officer or director thereof relying on any regulation or interpretation shall be fully protected even though the same shall be thereafter ruled invalid for any reason by a court of competent jurisdiction.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.	Harrison	McDonald	St. John
Bailey	Keener	Miller	Smith
Britnell	Kirkland	Parsons	Taylor
deGraffenried	Little	Proctor	Teague
Gulledge	Martin	Robertson	White
Hall			—20

Nays: —0

The Standing Committee on Banking and Insurance then reported the following amendment to the Bill, S.B. 43, as amended, to-wit:

COMMITTEE AMENDMENT NO. 4 TO S.B. 43, AS AMENDED

Amend Senate Bill 43, Section 5-13-3 by adding at the end thereof commencing on line 26 at page 112 the following:

"This act is not intended to limit or restrict activities of savings and loan associations or credit unions now or hereafter lawfully authorized. Specifically, nothing contained herein shall be construed so as to alter, amend or

repeal any of the provisions of §§ 5-2-60 through 5-2-63, 5-2-100 through 5-2-125, 5-16-1 through 5-16-53 and 5-17-1 through 5-17-28 relating to savings and loan associations and credit unions."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	Smith	
Bailey	Higginbotham	Miller	Taylor	
Barron	Keener	Parsons	Teague	
Britnell	Kirkland	Proctor	Vacca	
deGraffenried	Little	Robertson	Weeks	
Gulledge	Martin	St. John	White	
Hall				—24

Nays: —0

The Standing Committee on Banking and Insurance then reported the following amendment to the Bill, S. B. 43, as amended, to-wit:

COMMITTEE AMENDMENT NO. 5 TO S.B. 43, AS AMENDED

Amend Section 5-5-18, subsection (8), page 36, line 6, by changing the semicolon after the word "customer" to a comma by adding thereafter the following:

"provided such banks shall comply with any applicable Alabama laws regulating leasing real property or improvements thereon to others."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Parsons	Taylor	
Bailey	Keener	Proctor	Teague	
Barron	Kirkland	Robertson	Vacca	
Britnell	Little	St. John	Weeks	
deGraffenried	Martin	Smith	White	
Gulledge	Miller			—24

Nays: —0

The Standing Committee on Banking and Insurance then reported the following amendment to the Bill, S.B. 43, as amended, to-wit:

COMMITTEE AMENDMENT NO. 6 TO S.B. 43, AS AMENDED

Amend Section 5-13-3, page 112, by deleting lines 15, 16 and 17 and substituting the following:

"The following sections and all other sections and parts of sections in the Code of Alabama 1975, as amended, inconsistent herewith, except the provisions of Section 34-27-1 through 34-27-38, are hereby repealed."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith
Barron	Keener	Miller	Taylor
Britnell	Kirkland	Parsons	Weeks
deGraffenried	Little	Proctor	White.
Gulledge	Martin	Robertson	—18

Nays: —0

Mr. Gulledge offered the following amendment to the Bill, S.B. 43, as amended, to-wit:

AMENDMENT TO S. B. 43, AS AMENDED

Amend Senate Bill 43 As Amended in Section 5-7-22 on page 67 line 32 by inserting the following:

"At the time when such conversion of the national bank into a state bank, under the charter of the latter, becomes effective, all the property of the national bank, including all its rights, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or appertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state bank, which shall have, hold and enjoy the same in its own right as fully and to the same extend as if the same were possessed, held and enjoyed by the national bank.

Upon such conversion becoming effective, the state bank shall be deemed to be a continuation of the entity and of the identity of the national bank and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in, or in respect to, any executorship or trusteeship or other trust or fiduciary function shall remain unimpaired. The state bank as of the time of the taking effect of such conversion, shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust or relation in the same manner as if the state bank had itself assumed the trust or relation, including the obligations and liabilities connected therewith. If the national bank is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust being administered under the laws of this state, such relation, as well as any other or similar fiduciary relations, and all rights, privileges, duties and obligations connected therewith shall remain unimpaired and shall continue into and said state bank from and as of the time of the taking effect of such conversion, irrespective of the date when any such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Nothing done in connection with the conversation of a national bank into a state bank shall in respect of any such executorship, trusteeship or similar fiduciary relation, be deemed to be or to effect, under the laws of this state, a renunciation or revocation of any letters of administration or letters testamentary pertaining to such relation, nor a removal or resignation from any such executorship or trusteeship or other fiduciary relationship, nor shall the same be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act.

Any reference to the national bank in any contract, will or document shall be considered a reference to the state bank unless expressly provided to the contrary in the contract, will or document."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	St. John	
Bailey	Holmes	Miller	Smith	
Barron	Keener	Mitchem	Taylor	
Britnell	Kirkland	Proctor	Vacca	
deGraffenried	Little	Robertson	White	
Gulledge				—20

Nays: —0

UNFINISHED BUSINESS

The hour of 3 o'clock having arrived, the Senate proceeded to further consideration of the Bill, S.B. 3. The question was on the Keener substitute.

And said substitute was then adopted by the Senate.

Yeas 20; Nays 2.

Yeas:

Messrs.:	Gulledge	McDonald	St. John	
Barron	Keener	Miller	Smith	
Britnell	Kirkland	Mitchem	Taylor	
Cook	Little	Parsons	Vacca	
deGraffenried	Martin	Proctor	White	
Denton				—20

Nays: Messrs.: Holmes, Robertson. —2

Mr. Cook offered the following amendment to the Bill, S.B. 3, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amendment to S.B. 3, as amended as follows:

Amend S. B. 3:

On page 3, line 27 after the word "Commission" delete the (period) and insert in lieu thereof a, (comma) and the words "The Alabama Air Pollution Control Commission and The Alabama Water Improvement Commission, and the Alabama State Docks."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Higginbotham	Miller	Taylor	
Britnell	Holmes	Parsons	Vacca	
Cook	Keener	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Denton	Little	St. John		—22

Nays: —0

Mr. Cook then offered the following amendment to the Bill, S.B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend Senate Bill 3, on page 3, line 28, immediately following the word "include" by inserting the following:

"boards of trustees of post-secondary institutions, county school boards, city school boards,"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	St. John
Bailey	Holmes	Mitchem	Smith
Britnell	Keener	Parsons	Taylor
Cook	Kirkland	Proctor	Vacca
Denton	Little	Robertson	White
Gulledge	Martin		

—21

Nays: —0

Mr. Cook then offered the following amendment to the Bill, S. B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend S. B. 3, as amended, as follows:

On page 9, after line 15, insert the following new language after the word "act.":

Each rule or regulation promulgated, whether the original or a revision, and all copies thereof, shall have the name or names, of the author or authors, respectively, on its face.

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Gulledge	McDonald	Smith
Bailey	Higginbotham	Miller	Taylor
Barron	Keener	Mitchem	Vacca
Britnell	Kirkland	Parsons	Weeks
Callahan	Little	Pearson	White
Denton	Martin	Proctor	

—22

Nay: Mr. Holmes —1

Mr. Cook then offered the following amendment to the Bill, S.B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend S. B. 3 on page 3 by deleting lines 16, 17, and 18.

Further amend S. B. 3 on page 29, line 21 by striking subsection (13) in its entirety.

Which was adopted.

Yeas 18; Nays 4.

Yeas:

Messrs.:	Cook	Little	Smith	
Barron	Denton	Martin	Taylor	
Britnell	Gulledge	Miller	Vacca	
Callahan	Higginbotham	Proctor	White	
Clemon	Holmes	Robertson		—18

Nays: Messrs.: Keener, Parsons, St. John, Teague. —4

Mr. Cook then offered the following amendment to the Bill, S.B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend S.B. 3 on page 5 line 32 after the word institutions strike the (,) comma and insert in lieu thereof a (.) period and delete the remainder of the sentence.

Mr. Keener moved that said amendment be laid on the table, which resulted in a tie vote.

Yeas 14; Nays 14.

Yeas:

Messrs.:	Hall	McDonald	St. John	
deGraffenried	Keener	Mitchem	Smith	
Denton	Kirkland	Pearson	Teague	
Figures	Little	Proctor		—14

Nays:

Messrs.:	Callahan	Martin	Vacca	
Bailey	Cook	Miller	Weeks	
Barron	Harrison	Robertson	White	
Britnell	Higginbotham	Taylor		—14

The President and Presiding Officer of the Senate voted "Aye"; therefore, the motion to table prevailed.

Mr. Callahan offered the following amendment to the Bill, S. B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend Senate Bill No. 3, as amended Page 3 Line 8, by inserting after the word "agency" the following:

except those existing prior to January 1, 1980,

On motion of Mr. Keener, said amendment was laid on the table.

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Yeas 18; Nays 8.

Yeas:

Messrs.:	Figures	Martin	St. John
Bailey	Hall	McDonald	Smith
Clemon	Keener	Mitchem	Teague
deGraffenried	Kirkland	Parsons	Weeks
Denton	Little	Pearson	

—18

Nays:

Messrs.:	Higginbotham	Robertson	Vacca
Callahan	Holmes	Taylor	
Cook	Miller		

—8

Mr. Cook offered the following amendment to the Bill, S.B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend S. B. 3 as amended.

Amend S. B. 3 on Page 31 line 12 by striking section 24 and remembering all remaining sections.

On motion of Mr. Keener, said amendment was laid on the table.

Yeas 16; Nays 12.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Hall	McDonald	Smith
Clemon	Keener	Parsons	Teague
deGraffenried	Kirkland	Pearson	Vacca
Denton			

—16

Nays:

Messrs.:	Harrison	Martin	Taylor
Barron	Higginbotham	Miller	Weeks
Callahan	Holmes	Robertson	White
Cook			

—12

Mr. Cook then offered the following amendment to the Bill, S.B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend S.B. 3 delete the words "Alabama Administration Procedure Act" where ever they appear and insert in lieu thereof the words "Keener Administrative Procedure Act."

Mr. Keener moved that said amendment be laid on the table, which motion was lost.

The question was then on the Cook amendment to the Bill, S. B. 3, as amended, and said amendment was then adopted.

Yeas 14; Nays 10.

Abstaining 1.

Yeas:

Messrs.:	Cook	Kirkland	Vacca	
Bailey	Gulledge	Martin	Weeks	
Barron	Harrison	Robertson	White	
Callahan	Holmes	Taylor		—14

Nays:

Messrs.:	Figures	Little	St. John	
deGraffenried	Hall	McDonald	Smith	
Denton	Keener	Miller		—10

Abstaining: Mr. Parsons —1

Mr. Bailey offered the following amendment to the Bill, S.B. 3, as amended, to-wit:

AMENDMENT TO S.B. 3, AS AMENDED

Amend S.B. 3 as follows:

On page 3, line 27 after the word "Commission" delete the period and insert in lieu thereof a comma and the words, "or the State Department of Insurance."

On motion of Mr. Keener, said amendment was laid on the table.

Yeas 16; Nays 4.

Yeas:

Messrs.:	Keener	McDonald	St. John	
deGraffenried	Kirkland	Miller	Smith	
Denton	Little	Parsons	Weeks	
Figures	Martin	Proctor	White	
Higginbotham				—16

Nays: Messrs. Bailey, Barron, Holmes, Taylor. —4

Mr. Taylor offered the following amendment to the Bill, S.B. 3, as amended, to-wit:

AMENDMENT TO S.B. 3, AS AMENDED

Amend section 2 of S.B. 3 as amended on page 3 by inserting the following in line 16:

"Any agency regulated by federal law and regulations which are in conflict with this act are exempted from the provisions of this act."

On motion of Mr. Keener, said amendment was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 111. COMMENDING THE MONTEVALLO HIGH SCHOOL BAND FOR EXCELLENCE.

Also:

H. J. R. 112. "CONGRESSIONAL APPROVAL OF PENSION FOR WORLD WAR I VETERANS"

Also:

H. J. R. 113. CONGRATULATING THE UNIVERSITY OF SOUTH ALABAMA'S GIRLS BASKETBALL TEAM.

Also:

H. J. R. 115. COMMENDING THE CHILTON COUNTY VOLUNTEER FIRE DEPARTMENTS, NUMBER ONE IN RURAL FIRE DEPARTMENT ORGANIZATIONS IN ALABAMA.

Also:

H. J. R. 116. MOURNING THE DEATH OF MRS. REBECCA NARAMORE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House have signed the following House Bill, your signature thereto is requested.

H. 217. Relating to Calhoun County; to amend Act No. 607. H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after its title had been publicly read at length by the Secretary of the Senate signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Johnson (Roy) and Holley:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, has acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (With Substitute) (With Amendments):

S. 247. To amend Rule B of the Small Claims Rules so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried, Mitchem, Martin, Harrison, Holmes, Robertson, Kirkland, Hall, Miller, Teague, Little, Smith and Britnell (With Substitute) (With Amendment):

S. 234. Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require minutes of secret meetings and allow court accessibility to said minutes; to

define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to declare actions taken at such meetings void, to provide criminal penalties and a civil remedy for violations hereof; to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison (With Amendments):

S. 153. To amend Section 38-7-2, Code of Alabama 1975, which provides for the Child Care Act of 1971, so as to exempt certain church related facilities and programs from the provisions of said act.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 385. To amend Sections 11-58-1 and 11-58-2 of the Code of Alabama, 1975, relating to medical clinic boards so as to expand the language setting forth the purpose of the chapter to make it clear that it is intended to promote the public health and welfare, and also to redefine the term "Medical Clinic" to include facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped or mentally ill or retarded, such as retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, whether or not any such facility is required to be approved or licensed by any governmental agency.

By Mr. Callahan:

S. 414. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Amendment):

S. 206. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the

general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 308. To repeal Section 8-8-1.2 governing the maximum rate of interest to be charged by savings and loan associations on loans secured by savings accounts.

MOTIONS IN WRITING

Mr. Cook offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 24, on page 55 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 24, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Cook then offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 23, on page 54 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 23, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 287. To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 40-23-4, Code of Alabama 1975, as amended, so as to remove the exemption for the gross proceeds of the lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama, 1975, as amended, which are otherwise taxed, and to provide for further exemptions for such products sold to certain individuals

over the age of 65, such products used for agricultural purposes, the gross proceeds for certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol, the gross proceeds from the sales of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; to further amend Section 40-23-35, Code of Alabama 1975, so as to provide further for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975; to provide legislative intent that sales tax on motor fuel and gasoline be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps and that the Department of Revenue promulgate rules, regulations and procedures to accomplish such intent.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 287. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 288. To further amend Section 40-23-62, Code of Alabama, 1975, as amended, to remove the exemption for the use, storage or other consumption of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended, which are otherwise taxed; and to provide for further exemptions for such products used for the propulsion of aircraft and for motor fuel as defined in Section 40-17-140, Code of Alabama, 1975, when such motor fuel is subject to the Motor Carrier Fuel Tax levied in Section 40-17-141, Code of Alabama, 1975, and upon which the Motor Carrier Fuel Tax has been paid to further amend Section 40-23-85, Code of Alabama, 1975, as amended, to provide for the disposition of the tax collected on the storage, use or other consumption of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended; to provide legislative intent that, where applicable, state sales tax and state excise levied by states other than Alabama, on motor fuel, gasoline and lubricating oil and federal excise taxes imposed in Title 25, Section 4081, United States Code, as amended from time to time when such taxes have been paid and included in the sales tax, shall be excluded from the sales price in the computation of the use tax levied by this state on such products; and to provide further legislative intent as to the use of the use tax revenues generated by the removal of the exemption on the storage, use or other consumption of motor fuel, gasoline and lubricating oil.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 288. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-141, relating to the levy and amount of the motor carrier fuel tax; § 40-17-142, relating to credit of payment of sales, gasoline and motor fuel taxes; § 40-17-145, relating to payment of tax; § 40-17-146, relating to disposition of proceeds of tax; § 40-17-147, relating to how the amount and purchase price of motor fuel used in the state is to be ascertained; § 40-17-149 relating to books and records; § 40-17-151, relating to sales without liability for tax on the part of distributor; and § 40-17-155, relating to penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 648. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 289. To amend Section 40-12-4, Code of Alabama 1975 as amended, to provide that county sales and use taxes shall not apply to the gross proceeds of sales and the use, storage or consumption of lubricating oil and gasoline as defined in Section 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

Also:

By Rep. Manley:

H. 290. To amend Sections 11-51-200 and 11-51-202, Code of Alabama 1975 as amended, to provide that the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30 shall not be subject to sales and use taxes levied by incorporated municipalities within the State of Alabama.

Also:

By Rep. Manley:

H. 291. To amend Section 11-51-180, Code of Alabama 1975 as amended, to provide that the municipal license taxes shall not apply to the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 289, 290, and 291. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Shavers (with notice and proof):

H. 394. Relating to Jackson County; to provide for additional per diem payments of each member of the Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 394 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 652 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 653 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Willis and Crow (with notice and proof):

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 675 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by the minimum fine.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 677 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Warren and McCorquodale (with notice and proof):

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 680 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 394, 652, 653, 675, 677, and 680. To the Committee on Local Legislation No. 1.

RESOLUTION

Messrs. Denton and Britnell offered the following Senate Resolution, to-wit:

S. R. 95. HONORING THE RED BAY TIGERETTES BASKETBALL TEAM.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Also:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

Also:

H. 595. To provide that all medicaid eligible persons shall be required to pay the maximum allowable co-payment under federal law or administrative regulation for all prescription drugs received under the medicaid program except designated exemptions; to provide for collection therefor; and to provide that the provisions of this act shall not be effective if found by the courts to violate federal law or federal administrative regulations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 91. ENCOURAGING THE CITIZENS OF TUSCALOOSA, CITY AND COUNTY, TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

Also:

S. J. R. 92. ENCOURAGING THE CITIZENS OF ALABAMA TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 4:15 P.M., on motion of Mr. St. John, pending further consideration of the Bills, S.B.'s 3, 43, 116, and 221, the Senate adjourned until Thursday March 20, 1980 at 12 o'clock Noon.

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Yeas 16; Nays 6.

Yeas:

Messrs.:	Higginbotham	Mitchem	St. John
Bailey	Holmes	Parsons	Teague
Callahan	Keener	Proctor	Weeks
Denton	Little	Robertson	White
Hall			

—16

Nays:

Messrs.:	Britnell	Lemaster	Taylor
Barron	Kirkland	Martin	

—6

FIFTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 20, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Dennis Goodwin, Minister of Education, Capitol Heights Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	

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JOURNAL

On motion of Mr. Keener, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Keener, leave of absence was granted Mr. Smith for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Vacca:

S. 470. To provide for the appointment and removal of bank investigators by the governor and to specify the powers of bank investigators and the responsibilities of the employing bank.

Committee on Banking and Insurance.

By Mr. Cook:

S. 471. To provide franchisees with certain rights and remedies in addition to those existing in contract or common law in certain business negotiations with franchisors; to prescribe regulations relating to such negotiations and to provide civil remedies for violation of such regulations.

Committee on Judiciary.

By Mr. Glass:

S. 472. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration.

Committee on Governmental Affairs.

By Messrs. Little and Holmes:

S. 473. To provide for a 30% discount on utility bills for persons 65 years of age or older and for totally disabled and totally blind persons.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 474. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 475. To amend Section 25-4-72, Section 25-4-77 and Section 25-4-78 relating to the Alabama Unemployment Compensation Act by increasing the maximum weekly benefit amount from \$90.00 to \$100.00 and the minimum weekly amount from \$15.00 to \$25.00, effective July 6, 1980, and the maximum to \$105.00, effective July 5, 1981, by use of a table; provide for a one week waiting period if the separation was for reasons other than "no work available"; repeals the provision that limits disqualification to the "most recent bona fide employment"; changes the penalty for disqualification involving a voluntary quit or a discharge for misconduct after warning by providing a disqualification for the duration of the unemployment and by cancelling 90% of the benefits; removes most of the noncharging of benefit wages to the employers' experience rating record; changes the penalty for minor misconduct from 2 to 6 weeks and 6 to 10 weeks; changes the penalty

for disciplinary suspension from "not to exceed 4 weeks" to "not to exceed 13 weeks"; re-defines suitable work and changes the penalty to a disqualification until the claimant has re-entered employment and earned 10 times his weekly benefit amount; provides that the employer must withhold from the back pay award the amount of unemployment benefits and return this to the state; provides for deducting 1/2 of primary Social Security benefits.

Committee on Business and Labor Relations.

By Mr. Hall:

S. 476. To provide that veteran benefits shall not be included as income in determining eligibility of nursing home patients for medicaid benefits.

Committee on Finance and Taxation.

By Messrs. Robertson and Barron:

S. 477. To provide twenty-five dollars per month for each retired educator to be used for hospital-medical insurance; to appropriate \$150,000 from the Alabama Special Educational Trust Fund; to provide for the system of payment.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 478. To provide for uniform spring holidays for all county and city school systems in Alabama.

Committee on Education.

By Mr. Pearson:

S. 479. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 480. To repeal Section 11-43-11 of the Code of Alabama 1975 which section prohibits the employment of a municipal officer by a corporation holding a franchise to use the streets of the city.

Committee on Judiciary.

By Messrs. Harrison, Robertson, White, Glass and Holmes:

S. 481. To create the State Allocaid Department of administer a state medical assistance program on behalf of certain needy individuals; to authorize said Department to promulgate rules and regulations for the operation and administration of such program; to prescribe certain eligibility requirements for medical assistance; to terminate the Medical Services Administration; and to make an appropriation.

Committee on Health and Welfare.

By Messrs. Pearson, Little, Hall and Keener:

S. 482. Proposing an amendment to the Constitution of Alabama so as to amend Section 70 of the 1901 Constitution so as to allow revenue raising bills to originate in the House of Representatives or the Senate.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Teague and Proctor:

S. 483. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 484. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 485. To amend section 5-9-22 of the Code of Alabama 1975 in order to provide that when any bank or banking association organized under the laws of the United States converts into a state banking corporation, all the property of whatsoever kind, things in action, and every right, privilege, interest and asset of the said national bank shall immediately, without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state banking corporation, and the state banking corporation shall be deemed to be a continuation of the national bank, and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee, beneficiary, executorship, trusteeship, or other trust or fiduciary function and all fiduciary relations including where the national bank is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust and all rights, privileges, duties and obligations connected therewith, irrespective of the date when any such relation may have been created or established or the date of any trust agreement relating thereto or the date of the death of any testator or decedent, shall remain unimpaired and shall continue into and in the state banking corporation and the state banking corporation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust of relation including the obligations and liabilities connected therewith, and nothing done in connection with such conversion shall be deemed to be or to effect a renunciation or revocation of any letters of administration or letters testamentary or a removal or resignation from any executorship or trusteeship or other fiduciary relationship nor shall be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act, and any reference to the national bank in any contract, will or document shall be considered a reference to the state banking corporation unless expressly provided to the contrary in the contract, will or document.

Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Langford, Dixon, Wyatt, Grouby, McKee, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Letson, Lewis, McCorquodale, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby:

H. J. R. 124. PRAISING THE OUTSTANDING ACCOMPLISHMENTS OF COACH JAMES V. OLIVER'S A.S.U. HORNETS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 124, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Letson:

H. J. R. 125. NAMING A PORTION OF LAWRENCE COUNTY ROAD NUMBER 27, THE "R.M. BERLIN HUTTO ROAD."

Also:

By Rep. Riddick:

H. J. R. 126. COMMENDING DR. SHELBY COUNCE OF HUNTSVILLE, RECENTLY SELECTED AS ONE OF THE "ONE HUNDRED TOP SCHOOL EXECUTIVES OF NORTH AMERICA."

Also:

By Rep. Blake:

H. J. R. 128. MOURNING THE TRAGIC DEATH OF DEPUTY SHERIFF ARLYN G. LOCKLEY OF ST. CLAIR COUNTY, ALABAMA.

Also:

By Reps. Manley and Pegues:

H. J. R. 129. COMMENDING THE DEMOCRAT-REPORTER ON ITS CENTENNIAL OF SERVICE TO MARENGO COUNTY.

Also:

By Rep. Laird:

H. J. R. 130. CONGRATULATING 2A COACH OF THE YEAR RON WATTERS, AND HIS RANDOLPH COUNTY HIGH SCHOOL TIGERS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H.J.R. 125 set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H.J.R. 126, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H.J.R. 128, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H.J.R. 129, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H.J.R. 130, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 122. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 20, 1980, we adjourn to meet again on Tuesday, March 25, 1980; and when we adjourn on Tuesday, March 25, we adjourn to meet again on Thursday, March 27, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 122, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 43. REQUESTING THE CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION.

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973; and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama, 1980 Regular Session, applies to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development.

BE IT FURTHER RESOLVED, That this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

BE IT FURTHER RESOLVED, That copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from Alabama attesting the adoption of this concurrent resolution by the 1980 Regular Session of the Legislature of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 43, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 96. CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

WHEREAS, culminating an outstanding season, the Talladega County High School Golden Bears polished off unbeaten Springville High to capture the State 2A Basketball Championship; and

WHEREAS, cheered to a winning season and to the Crown by band, cheerleaders, fellow students and fans, the Bears finished 24-7, overall, in regular and post season play; and

WHEREAS, following the road to victory, under the talented director of Heal Coach Ricky Rutledge and Assistant Coaches James Player and Darrell Johnston, were Golden Bears: Reginald Truss, who was named to the State All-Tournament Team; State Tournament MVP Greg Vincent, also All-Tournament; Walter Embry, another selection for the State All-Tournament Team; and Paul Embry, Stanley Johnson, Ricky Cochran, Chris Hayes, Aundrea Lane, Elijah Wilson, Kenneth Johnson, Clearance Turner and Darryl Cunningham who, each and every one, contributed greatly to their team's 2A Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the Talladega County High School Golden Bears, State 2A Basketball Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Royce C. Cox for appropriate school display with copies also to Coach Rutledge and his assistants and to each of their Champion Golden Bears.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Resolutions, to-wit:

S. R. 97. CONGRATULATING AND COMMENDING THE BENJAMIN RUSSELL HIGH SCHOOL MARCHING BAND.

Also:

S. R. 98. WELCOMING AMOCO FABRICS TO RANDOLPH COUNTY AND TO ALABAMA.

Which were adopted.

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 99. ENCOURAGING THE UNITED STATES CONGRESS TO ALLOCATE REVENUE SHARING FUNDS TO THE LEGISLATURES OF THE STATES.

WHEREAS, the Revenue Sharing Program is a fair and equitable means of returning to the various states federal tax monies which may then be allocated according to priorities by degree and order of need; and

WHEREAS, the Revenue Sharing Program is of tremendous financial assistance to the state of Alabama, in making available many worthwhile programs which are generated and are operated by revenue sharing funds; and

WHEREAS, the Alabama Legislature considers the legislatures of the states to be the branch of state government in the best position to know the communities and programs with the most prevalent needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the United States Congress to allocate revenue funds to the legislatures of the several states for the legislature's distribution to the respective state and local programs.

RESOLVED FURTHER, That copies of this resolution be sent to each member of the Alabama Congressional Delegation in Washington, D.C.

Which was read and referred to the Standing Committee on Rules.

Mr. Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 100. PROVIDING THAT THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY AUTHORIZE NOT MORE THAN TWO SENATORS AND NOT MORE THAN TWO HOUSE MEMBERS TO ATTEND THE APRIL 11, 1980, SEMINAR IN COLUMBUS, OHIO, ON ISSUES FACING THE STEEL INDUSTRY, AND PROVIDING FOR REIMBURSEMENT OF ORDINARY AND NECESSARY EXPENSES.

WHEREAS, the American Steel Industry has recently undergone dramatic changes which have resulted in serious economic impact on workers, local communities and states in terms of unemployment and deterioration of tax bases; and

WHEREAS, the Office of the Speaker of the House in Ohio has planned a one-day seminar for April 11, 1980, in Columbus, Ohio, for the purpose of addressing the vital issues facing the industry; and

WHEREAS, top officials of industry, labor unions and government will make presentations at this conference to result in the presentation of said issues to the United States Congress for action; and

WHEREAS, Alabama, as a steel producing state, has been invited to participate in Ohio's call of the states regarding these serious issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lieutenant Governor and the Speaker of the House of Representatives may authorize the attendance of not more than two Senators and two House members to attend the April 11, 1980, seminar in Columbus, Ohio, on issues facing the steel industry.

BE IT FURTHER RESOLVED, That legislators be reimbursed for ordinary and necessary expenses in attending said conference from the funds appropriated to the use of the Legislature upon the certification of the Secretary of the Senate and the Clerk of the House.

On motion of Mr. Parsons, Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 91. ENCOURAGING THE CITIZENS OF TUSCALOOSA, CITY AND COUNTY, TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

Also:

S. J. R. 92. ENCOURAGING THE CITIZENS OF ALABAMA TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Also:

H. 595. To provide that all medicaid eligible persons shall be required to pay the maximum allowable co-payment under federal law or administrative regulation for all prescription drugs received under the medicaid program except designated exemptions; to provide for collection therefor; and to provide that the provisions of this act shall not be effective if found by the courts to violate federal law or federal administrative regulations.

Also:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORTS FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Grover Gibbs, Mr. Allen Layson, and Mr. James Neighbors to the Forestry Commission.

On motion of Mr. McDonald, the appointment of Mr. Gibbs was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	McDonald	Vacca	
Callahan	Holmes	Miller	Weeks	
DeGraffenried	Keener	Parsons	White	
Denton				—20

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Layson was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	McDonald	Vacca	
Callahan	Holmes	Miller	Weeks	
deGraffenried	Keener	Parsons	White	
Denton				—20

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Neighbors was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	McDonald	Vacca	
Callahan	Holmes	Miller	Weeks	
deGraffenried	Keener	Parsons	White	
Denton				—20

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

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Appointments of Mr. Morgan Edwards, Mr. Fred Bennett, Dr. John Lester, Mr. Ray Vandiver, Mr. Robert J. Williams, Mr. Milton Wendland, and Mrs. Durell Smelser to the Agriculture and Industries Board.

On motion of Mr. McDonald, the appointment of Mr. Edwards was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	Taylor
Barron	Goodwin	Lemaster	Teague
Britnell	Hall	Little	Vacca
Callahan	Harrison	McDonald	Weeks
deGraffenried	Holmes	Miller	White

—23

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Bennett was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	Taylor
Barron	Goodwin	Lemaster	Teague
Britnell	Hall	Little	Vacca
Callahan	Harrison	McDonald	Weeks
deGraffenried	Holmes	Miller	White

—23

Nays: —0

On motion of Mr. McDonald, the appointment of Dr. Lester was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	Taylor
Barron	Goodwin	Lemaster	Teague
Britnell	Hall	Little	Vacca
Callahan	Harrison	McDonald	Weeks
deGraffenried	Holmes	Miller	White

—23

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Vandiver was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	Taylor
Barron	Goodwin	Lemaster	Teague
Britnell	Hall	Little	Vacca
Callahan	Harrison	McDonald	Weeks
deGraffenried	Holmes	Miller	White

—23

Nays:

—0

On motion of Mr. McDonald, the appointment of Mr. Williams was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	Taylor
Barron	Goodwin	Lemaster	Teague
Britnell	Hall	Little	Vacca
Callahan	Harrison	McDonald	Weeks
deGraffenried	Holmes	Miller	White

—23

Nays:

—0

On motion of Mr. McDonald, the appointment of Mr. Wendland was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	Taylor
Barron	Goodwin	Lemaster	Teague
Britnell	Hall	Little	Vacca
Callahan	Harrison	McDonald	Weeks
deGraffenried	Holmes	Miller	White

—23

Nays:

—0

On motion of Mr. McDonald, the appointment of Mrs. Smelser was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	Taylor
Barron	Goodwin	Lemaster	Teague
Britnell	Hall	Little	Vacca
Callahan	Harrison	McDonald	Weeks
deGraffenried	Holmes	Miller	White

—23

Nays:

—0

RESOLUTIONS

Mr. Harrison offered the following Senate Resolution, to-wit:

S. R. 101. REQUESTING THE HOUSE OF REPRESENTATIVES TO INTRODUCE LEGISLATION TO RAISE THE TRIP FEE FOR OUT-OF-STATE TRUCKERS.

Which was read and referred to the Standing Committee on Rules.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 102. COMMENDING THE RANDOLPH COUNTY HIGH SCHOOL TIGERS, 1979 FOOTBALL CHAMPIONS.

WHEREAS, County, Area, Region and South Alabama Football Champions for 1979 total four Titles for the Randolph County High School Tigers with an awesome 11-3 record in Regular and Post season play; and

WHEREAS, Coached by Ron Watters and assistants Ricky Armstrong and Bobby Ray Green, the Tigers played six complete shutouts while outscoring their opponents 221-58; as Class 2A State Runnerup, the team yielded a miserly 15 points in four Playoff games, having previously ceded just 24 points in six games of Area play; and

WHEREAS, Coach Watters was named 2A Coach of The Year by The Montgomery Advertiser, while Noseguard Alvin Wright made the Birmingham News-Post Herald All-State First Team and was named 2A Player of the year by The Advertiser; Defensive End Tim Brown also was named to the All-State First Team by The News and Tailback Gary O'Neal received Honorable Mention All-State by The News and Post-Herald; and

WHEREAS, final credit, however, for the Tigers' outstanding season must be attributed to each and every player for the remarkable team effort displayed all season long; sponsors, cheerleaders and team managers, as well, joined in support of the Tigers to contribute to the big, winning '79 season for Randolph County High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Randolph County High School Football Team as County, Area, Region and South Alabama Champs for 1979.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Superintendent Hugh Lee Morris, Principal Hulond Humphries, to Coach Watters on behalf of the entire team, with a copy also provided for appropriate school display.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 103. MOURNING THE DEATH OF MR. WAYNE MARSHALL UNDERWOOD OF BALDWIN COUNTY, ALABAMA.

Which was adopted.

Mr. Glass offered the following Senate Resolution, to-wit:

S. R. 104. EXPRESSING APPRECIATION TO THE MANAGEMENT AND STAFF OF THE SHERATON INN, MOBILE, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 122. Relative to meeting dates: i.e., Tuesday, March 25, 1980 and Thursday, March 27, 1980.

Also:

H. J. R. 124. PRAISING THE OUTSTANDING ACCOMPLISHMENTS OF COACH JAMES V. OLIVER'S A.S.U. HORNETS.

Also:

H. J. R. 125. NAMING A PORTION OF LAWRENCE COUNTY ROAD NUMBER 27, THE "R. M. BERLIN HUTTO ROAD."

Also:

H. J. R. 126. COMMENDING DR. SHELBY COUNCE OF HUNTSVILLE, RECENTLY SELECTED AS ONE OF THE "ONE HUNDRED TOP SCHOOL EXECUTIVES OF NORTH AMERICA."

Also:

H. J. R. 128. MOURNING THE TRAGIC DEATH OF DEPUTY SHERIFF ARIYN G. LOCKLEY OF ST. CLAIR COUNTY, ALABAMA.

Also:

H. J. R. 129. COMMENDING THE DEMOCRAT-REPORTER ON ITS CENTENNIAL OF SERVICE TO MARENGO COUNTY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 76. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

By Mr. Callahan:

S. 339. To provide for a minimum salary for certain probate judges.

By Mr. Smith:

S. 444. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections.

By Mr. Martin:

S. 89. To amend the title and section 1 of Act No. 79-611, H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

By Rep. Manley:

H. 78. To make a supplemental appropriation to the Alabama State Bar, from the Bar Association Fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (With Amendment):

S. 387. To provide for certain late payment interest charges on delinquent state and county ad valorem tax payments and to provide for the disposition of such charges.

By Messrs. McDonald, Pearson and St. John (With Amendment):

S. 461. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the general fund of the state treasury for the purposes of emergency-crisis use in administering the medicaid program through medical services administration as determined by the emergency funding council; to create said council and to give it certain powers and duties; to provide further for the use of such unencumbered and unappropriated fund transfers, so as to require a portion thereof be used for the payment of cost-of-living increases authorized by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts 1979, p. 1283), for the fiscal year ending September 30, 1980.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Proctor, St. John, deGraffenried, Keener, Robertson, Denton, Holmes, Barron, Mitchem, Harrison, Martin, Britnell, Lemaster, Kirkland, Parsons, Hall, Vacca, Bailey, Goodwin, Taylor, Little, Gullledge, Teague, Cook, McDonald, Pearson, Weeks and Smith:

S. 452. To amend Section 1 and Section 2 of Act 79-540 (H. 580) so as to remove the requirement for an unappropriated ending balance.

By Buskey and Kennedy:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

By Reps. Ward, Laird and Turnham:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Higginbotham, Gullledge, Vacca, Keener, Proctor, White, Martin, Taylor, Parsons, Clemon, Teague, Cook, Figures, Pearson, Weeks, Bailey, Glass and Kirkland:

S. 383. To permit the possession of certain quantities of state untaxed alcoholic beverages purchased on federal military installations by eligible active duty, reserve, and retired military members and their dependents for private use; to prohibit the keeping, storing or possession of such alcoholic beverages in the passenger area of any vehicle, or in the view of any passenger; to make it unlawful to sell or offer for sale such state untaxed alcoholic beverages to anyone not authorized to purchase such beverages himself or to possess in excess of the quantity permitted; and to make the violation of such restrictions on sale and possession of excess quantities a misdemeanor and to set the penalties therefor.

By Messrs. Kirkland, deGraffenried and Proctor:

S. 381. To amend Section 12-16-63, Code of Alabama 1975, relating to excusing prospective jurors, so as to provide that certain medical statements shall constitute a valid excuse without the person appearing before the court.

By Messrs. Kirkland, Miller, Goodwin, Keener, Britnell, Denton, Robertson, Proctor, Teague, St. John, Cook, Holmes, Bailey, Taylor, Parsons and Little:

S. 367. To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

By Mr. Holmes:

S. 302. To amend Section 35-1-1 of the Code of Alabama 1975, relating to the right of aliens to take, hold and transmit property, so as to further provide therefor; to restrict certain aliens from owning or having any interest in certain agricultural land which is in excess of one hundred sixty acres; to prescribe divestment of certain persons; to provide for definitions, exemptions; and to prescribe penalties for violations of the provisions of the Act.

By Messrs. Kirkland and Callahan:

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

Mr. Martin, Vice-Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Amendment):

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided prescribing duties for the chairman of the county commission; § 11-4-23 (5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

Mr. Martin, Vice-Chairman, of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 237. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

By Mr. Miller:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

By Mr. Miller:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds, providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act Applicable to Class 6 municipalities in the state.

By Messrs. Martin, Mitchem, Lemaster, Denton and Bailey:

S. 363. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body or any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or

special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

By Mr. Birtnell:

S. 84. Proposing an amendment to the Constitution of Alabama providing that resolutions shall be restricted to one subject clearly expressed in its title.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Manley:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

By Reps. Zoghby and Sandusky:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 401. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

By Mr. Figures:

S. 369. To provide for exemption of certain school days missed due to natural disasters.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Amendment):

S. 341. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their appointment.

The above Bill was read a second time at length as required by the Constitution.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Minus (with notice and proof):

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within county, but outside the city limits of the municipalities.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (with notice and proof) (With Amendment):

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor (with notice and proof):

S. 123. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Talladega County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

By Mr. Proctor (with notice and proof):

S. 455. Relating to Talladega County; to amend Section 2 of Act No. 660, H. 978, 1978 Regular Session (Acts 1978, p. 952), providing for a supplementary salary to the district judges so as to provide further for such salary.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Cook, deGraffenried and Parsons:

S. 450. To amend Section 25-9-80, Code of Alabama 1975, which relates to mining ventilation, so as to further provide for requirements relating to auxiliary drive mechanisms.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. Proctor, Parsons, Cook and Vacca:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

By Mr. Bailey:

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

By Mr. Smith:

S. 294. To amend Article VI and Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement, so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement, and to increase the number of executive committee members.

By Mr. Smith:

S. 203. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Section 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

RESOLUTION

Mr. deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 105. CREATING A COMMITTEE TO STUDY UTILIZATION OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

WHEREAS, the Governor of the State of Alabama and the Department of Mental Health are presently under federal court order mandating certain changes and improvements in the conditions for mentally ill and mentally retarded patients of the Alabama Department of Mental Health; and

WHEREAS, great expense will be incurred in complying with said court order; and

WHEREAS, the Department of Mental Health has various land holdings around the State; and

WHEREAS, the expeditious management and utilization of said lands could provide additional revenues thereby easing the burden on the state general fund in meeting the cost of implementing the federal court requirements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a permanent study committee shall be formed to make a long range study of the utilization of the Department of Mental Health lands and consider the expansion of existing facilities, the sale or dedication to public or private use, and the most feasible utilization of said lands. The committee shall be composed of three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the Senate appointed by the President of the Senate, and three members of the general public, one each appointed by the Governor, the Speaker of the House, and the President of the Senate. The Speaker of the House and the President of the Senate shall be ex officio members of the committee with the chairman to be selected by and from among the membership. The committee shall meet on the call of the chairman. Said committee members shall receive compensation and payment for ordinary expenses for attending meetings up to a total sum of \$7,500. The three members of the general public shall also receive such remuneration for attending committee meetings and investigative sessions of the members. The committee shall make diligent inquiry and a full examination of Alabama's present and long term mental health needs and they shall file reports of their findings and recommendations to the Alabama Legislature not later than the 15th legislative day of each Regular Session.

BE IT FURTHER RESOLVED, That the committee shall be empowered to comply with their legislative mandate and responsibilities, that four persons, knowledgeable in land use, one each from the following areas, Examiners of Public Accounts, Revenue Department, Department of Agriculture and Industries and State Forestry Commission, be utilized and employed by the committee as needed to assist in ascertaining the status and the highest and best use of the lands by working individually in their respective area, and collectively in related areas. The committee shall be further empowered to provide compensation for any consultant or person not presently employed in state service and said compensation shall be fixed in a reasonable amount plus any expenses as deemed necessary by the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Mr. Little offered the following amendment to the Resolution, S.J.R. 105, to-wit:

AMENDMENT TO S. J. R. 105

Amend S. J. R. 105 page 1 Line 29, by striking out the word "permanent" and when thereof insert the word interim

Also:

Amend S. J. R. 105 Page 2 Line 20 and 21, by striking out the words "each Regular Session" and insert in lieu thereof the words "the 1981 Regular Session. At which time the committee shall terminate"

Which was adopted.

And on motion of Mr. deGraffenried, said Resolution, S.J.R. 105, as thus amended, was then adopted by the Senate.

CONSENT CALENDAR
BILLS ON THIRD READING

The Bill:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Proctor
Barron	Goodwin	Keener	Robertson
Britnell	Gulledge	Little	St. John
Callahan	Hall	Martin	Taylor
Cook	Harrison	McDonald	Vacca
deGraffenried	Higginbotham	Miller	White
Denton			

—24

Nays: —0

The Bill:

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	McDonald	Vacca
Callahan	Higginbotham	Miller	Weeks
Denton	Holmes	Pearson	White

—19

Nays: —0

The Bill:

S. 294. To amend Article VI and Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement, so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement, and to increase the number of executive committee members.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Bailey	Hall	McDonald	Teague	
Britnell	Harrison	Miller	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Lemaster	Robertson		—22

Nays: —0

1ne Bill:

S. 203. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	St. John	
Bailey	Hall	Little	Teague	
Barron	Higginbotham	Martin	Vacca	
Britnell	Holmes	Miller	Weeks	
Callahan	Keener	Pearson	White	
Denton	Kirkland	Robertson		—22

Nays: —0

RESOLUTIONS

Messrs. Miller, Little, and Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 106. CONGRATULATING THE EMPLOYEES OF COVINGTON ELECTRIC COOPERATIVE ON THEIR OUTSTANDING SAFETY RECORD.

WHEREAS, at the recent February meeting of the Andalusia Area Chamber of Commerce, the Covington Electric Cooperative was presented a special award in recognition of the outstanding safety record achieved by its employees, 300,000 hours of work without a disabling or lost-time accident; and

WHEREAS, the Cooperative's employees, and most particularly the Safety Committee, are indeed to be commended for such an achievement requiring utmost diligence and effort on the part of each participant; and

WHEREAS, the safety program at Covington Electric is directed and coordinated by safety committeemen Woodrow Busbee, Roy H. Weaver, Jr., Chad Martin, W. C. "Pap" Wilson and Grady Reeves; and

WHEREAS, it is to be further noted that the 68 employees of the Covington Electric Cooperative have now embraced safety goals of first attaining 400,000 hours, then one-half million hours, without a disabling injury; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Covington Electric Cooperative on 300,000 hours, since August 1977, without a disabling or lost-time accident.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Covington Electric Cooperative on behalf of its Safety Committee and all employees that they may know of our sincere congratulations on such an outstanding safety record.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 107. MOURNING THE DEATH OF MR. MANUEL R. RUSSO OF ANDALUSIA, ALABAMA.

WHEREAS, The Alabama Legislature has been deeply saddened by the death of Mr. Manuel R. Russo of Andalusia, Alabama, on February 24, 1980, at the age of 66; and

WHEREAS, Mr. Russo, who was widely and affectionately called "Manny" by his many friends and associates, was one of his community's most outstanding citizens and was known statewide for his interest in and involvement with baseball; and

WHEREAS, Mr. Russo, a graduate of Ramsay High School, played baseball in his native Birmingham, prior to joining the Alabama-Florida League to play with Enterprise, and moved to Andalusia in 1937 when he was a member of the Dothan team; following combat service in the South Pacific during World War II, he played in the Alabama State League for Geneva and then with the Andalusia Arrows; and

WHEREAS, after playing with several other semi-professional teams in Georgia, South Carolina and Alabama, Manny Russo returned to Andalusia, thereafter actively working with Little League and Babe Ruth baseball until his death; and

WHEREAS, Mr. Russo, a former member of the Andalusia City Council, served for the past four years as president of the regular Babe Ruth League, and was a member of the Andalusia Umpires' Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Manuel R. Russo and extend our most heartfelt sympathy to his wife, Mrs. Juanita Russo, to their son, Manuel Russo, Jr., their daughter, Mrs. Phyllis Helms, and other family members to whom copies of this resolution shall be sent as evidence of our shared sorrow in their great loss.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO RECONSIDER

Mr. Little moved that the Senate reconsider the vote by which the Resolution, S. J. R. 105, as amended, was adopted.

On motion of Mr. deGraffenried, the motion to reconsider was laid on the table.

Yeas 9; Nays 8.

Yeas:

Messrs.:	Holmes	Proctor	Teague	
Cook	Miller	St. John	Weeks	
deGraffenried	Parsons			—9

Nays:

Messrs.:	Hall	Little	McDonald	
Bailey	Higginbotham	Martin	Taylor	
Barron				—8

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

MOTION IN WRITING

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 169, on page 55 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 169, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MOTION TO ADJOURN LOST

At 2:40 P.M., Mr. White moved that the Senate adjourn until Tuesday, March 25, 1980, at 2 o'clock P.M., which motion was lost.

Yeas 10; Nays 16.

Yeas:

Messrs.:	Callahan	Little	Weeks
Bailey	Goodwin	Robertson	White
Britnell	Hall	Vacca	

—10

Nays:

Messrs.:	Gulledge	Kirkland	Pearson
Barron	Higginbotham	McDonald	Proctor
Cook	Holmes	Miller	St. John
deGraffenried	Keener	Parsons	Taylor
Denton			

—16

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 3. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

as amended by the Keener substitute, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dial (with notice and proof):

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 693, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Stout and Rains (with notice and proof):

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 696, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Stout and Rains (with notice and proof):

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1979-1980.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 704, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 717, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Stout and Rains (with notice and proof):

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 706, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford (with notice and proof):

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide

the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 48, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 693, 696, 704, 717, and 706. To the Committee on Local Legislation No. 1.

H. B. 48. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford (with notice and proof):

H. 49. To require any public water works board in a Class 1 municipality in the state to pay 6-1/2% interest per annum on all customer security deposits required for services.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 49, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford (with notice and proof):

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs outside in the yard of any residence or in

vacant lots within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 50, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Payne (with notice and proof):

H. 51. Relating to Jefferson County; to provide for the composition of any county planning commission establishing under Act No. 344, H. 775, 1947 Regular Session, (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Payne (with notice and proof):

H. 70. Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 70, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 49, 50, 51, and 70. To the Committee on Local Legislation No. 2.

FURTHER CONSIDERATION OF S. B. 3

The Senate proceeds to further consideration of the Bill, S. B. 3, amended by the Keener substitute, as amended.

Mr. Goodwin offered the following amendment to the Bill, S. B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend Senate Bill No. S. B. 3, as amended, Page 3, Line 27, by striking out the period immediately after the word commission and inserting in Lieu thereof the words of "Alabama Unemployment Compensation Agency of the Department of Industrial Relations"

On motion of Mr. Keener, said amendment was laid on the table.

Yeas 15; Nays 11.

Yeas:

Messrs.:	Hall	McDonald	Proctor
deGraffenried	Keener	Mitchem	St. John
Denton	Kirkland	Parsons	Teague
Figures	Little	Pearson	Vacca

—15

Nays:

Messrs.:	Goodwin	Martin	Taylor
Barron	Harrison	Miller	Weeks
Callahan	Holmes	Robertson	White

—11

Mr. Cook offered the following amendment to the Bill, S. B. 3, as amended, to-wit:

AMENDMENT TO S. B. 3, AS AMENDED

Amend S. B. 3 as substituted as follows:

on page 31 after line "11" insert a subsection (e) as follows:

The committee shall determine and report annually to the legislature the total cost to the state allocated to the implumitation of this act.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Barron	Harrison	McDonald	St. John
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Goodwin	Kirkland	Proctor	White
Gulledge	Little		

—25

Nays: —0

And said Bill, S. B. 3, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 10.

Yeas:

Messrs.:	Gulledge	McDonald	Proctor
Bailey	Hall	Miller	St. John
deGraffenried	Keener	Mitchem	Teague
Denton	Kirkland	Parsons	Vacca
Figures	Little	Pearson	

—18

Nays:

Messrs.:	Goodwin	Martin	Weeks
Callahan	Higginbotham	Robertson	White
Cook	Holmes	Taylor	—10

Mr. Keener moved that the Senate reconsider the vote by which the Bill, S.B. 3, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 43. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

as amended.

Mr. Bailey offered the following amendment to the Bill, S.B. 43, as amended, to-wit:

AMENDMENT TO S. B. 43, AS AMENDED

Amend Senate Bill No. 43, as amended, Page 5, Line 15, by striking out all after the word "Senate" down to line 24.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Goodwin, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S.B.'s 43, 116, and 221, the Senate adjourned until Tuesday, March 25, 1980, at 2:05 P.M.

SIXTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 25, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. George Nulph, Pastor, Perry Hill Road Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	arrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. Higginbotham, the reading of the Journal of yesterday was dispensed with the same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 3. To be known as the Keener Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

ALBERT McDONALD,
Chairman,

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes:

H. 566. To propose an amendment to the Constitution of Alabama to authorize the governing body of the City of Montgomery to raise the salaries of its members one time only during their current terms of office.

Also:

By Reps. McKee and Holmes:

H. 621. Relating to the Fifteenth Judicial Circuit; to allow the Presiding Judge or the Presiding Judge of the Criminal Division of the Fifteenth Judicial Circuit, upon motion of the District Attorney for such circuit, to empanel more than one Grand Jury to sit in session simultaneously.

Also:

By Rep. Gafford:

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

Also:

By Rep. Turnham:

H. 98. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and

one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 566 and 621. To the Committee on Local Legislation No. 1

H. B. 138. To the Committee on Banking and Insurance

H. B. 98. To the Committee on Governmental Affairs

(The above numbered Bill, H. B. 566, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

H. J. R. 137. COMMENDING THE ATHENS NEWS COURIER ON ITS FIRST ONE HUNDRED YEARS OF PUBLICATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H.J.R. 137, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 4. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide

liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 4, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 4.

Amendment S. B. 4, page 5, line 11 by striking the words and figures "fifteen dollars (\$15.00)" and inserting in lieu thereof the following:

thirty dollars (\$30.00)

Also on page 6, lines 8 and 9, amend by striking the words and figures "fifteen dollars (\$15.00)" and inserting in lieu thereof the following:

thirty dollars (\$30.00)

Also, on page 7, line 8, by striking the words and figures "fifteen dollars (\$15.00)" and inserting in lieu thereof the following:

thirty dollars (\$30.00)

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John
Barron	Figures	Lemaster	Smith
Britnell	Goodwin	Little	Taylor
Callahan	Hall	Martin	Vacca
Clemon	Higginbotham	McDonald	White
deGraffenried	Keener		

—21

Nays: —0

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 81. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135.

10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

By Mr. Mitchem:

S. 98. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

By Mr. Mitchem:

S. 99. To amend certain sections of Title 32, Code of Alabama 1975, specifically Section 32-6-1 relating to expiration date of driver licenses on a licensee's birthdate; Section 32-6-8 relating to the issuance of temporary instruction and learner's driver permits by the Department of Public Safety, probate judges, and license commissioners, to provide that a restricted learners license with color photo be issued to applicants age fifteen and above for a term and in similar manner to a regular driver license except that license restriction shall be noted clearly on the license, to provide the period of time such restricted licenses are to be valid, the manner of issuance and of removing the restriction, establish the cost of such restricted licenses, provide a fee for the issuing authority; and Section 32-6-15 relating to the issuance of duplicate licenses, to provide the manner of issuance, set issuance fee and to provide for the distribution of fee.

By Mr. Teague:

S. 325. To amend Section 6-5-332, Code of Alabama 1975, which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Britnell (With Amendments):

S. 407. To amend section 32-6-1 of the Code of Alabama 1975 relating to driver's license requirements, expiration date and renewal procedures, so as to provide that notice be given to every person possessing a driver's license as to its expiration date, and to provide for payment for such notification.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (With Amendments):

S. 230. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark and Campbell (With Substitute):

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union in this state.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cates:

H. 76. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

By Rep. Gafford:

H. 8. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Cates (With Amendment):

H. 36. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reported of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, has acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Shavers (with notice and proof):

H. 394. Relating the Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

By Rep. Dial (with notice and proof):

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments; and it was read a second time and placed on the calendar, to-wit:

By Messrs. Harrison, Robertson, White, Glass and Holmes (With Amendments):

S. 481. To create the State Allocaid Department to administer a state medical assistance program on behalf of certain needy individuals; to authorize said Department to promulgate rules and regulations for the operation and administration of said program; to prescribe certain eligibility requirements for medical assistance; to terminate the Medical Services Administration; and to make an appropriation.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Pearson:

S. 243. To amend Section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

By Mr. Parsons (With Amendment):

S. 304. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

By Messrs. deGraffenried, Cook and Robertson:

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.

MOTIONS IN WRITING

Mr. Little requested and received unanimous consent to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 334, on page 50 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 334, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 145, on page 73 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 145, referred to the Standing committee on Rules for placement on the Consent Calendar.

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 77, on page 81 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 77, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in the adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 47. COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 47, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. J. R. 47

Amend S. J. R. 47, Page 1, Line 14, after the word "Auburn" by striking University and inserting in lieu thereof University.

LOCAL BILLS ON THIRD READING

The Bill:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Bailey	Gulledge	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Callahan	Keener	Pearson	Vacca
Cook	Lemaster	Proctor	Weeks
Denton	Little	St. John	White
Figures	Martin		

—25

Nays:

—0

The Bill:

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	McDonald	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Robertson	White	
Cook	Little			—25

Nays: —0

The Bill:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 459, to-wit:

AMENDMENT TO S. B. 459

On page 1, Section 1, subsection (d), line 26, strike the number "12" and insert in lieu thereof: 9

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	St. John	
Barron	Glass	Miller	Smith	
Britnell	Goodwin	Mitchem	Teague	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

And said Bill, S. B. 459, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	Miller	Smith
Britnell	Goodwin	Mitchem	Teague
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Keener		

—25

Nays: —0

The Bill:

S. 123. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Talladega County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	McDonald	Smith
Britnell	Goodwin	Miller	Teague
Callahan	Gulledge	Mitchem	Weeks
Clemon	Hall	Parsons	White
Cook	Holmes		

—25

Nays: —0

The Bill:

S. 455. Relating to Talladega County, to amend Section 2 of Act No. 660, H. 978, 1978 Regular Session (Acts 1978, p. 952), providing for a supplementary salary to the district judges so as to provide further for such salary.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	McDonald	Smith
Britnell	Goodwin	Miller	Teague
Callahan	Gulledge	Mitchem	Weeks
Clemon	Hall	Parsons	White
Cook	Holmes		

— 25

Nays: — 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 46. HONORING J. MICHAEL SPROTT, 1979 MAN OF THE YEAR IN SERVICE TO ALABAMA AGRICULTURE.

Also:

S. J. R. 51. MOURNING THE DEATH OF ROBERT D. BURGESS, PROMINENT COVINGTON COUNTY BUSINESS AND CIVIC LEADER.

Also:

S. J. R. 55. HONORING JOHN HOWARD ANDERSON FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 62. COMMENDING LIEUTENANT COLONEL KARL-HEINZ ROEPER FOR MERITORIOUS SERVICE WITH THE U.S. ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 243. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Pearson	
Bailey	Goodwin	Kirkland	Robertson	
Barron	Hall	Little	Smith	
Britnell	Harrison	Martin	Weeks	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes	Parsons		—22

Nays: —0

The Bill:

S. 304. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 304, to-wit:

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COMMITTEE AMENDMENT TO S. B. 304

Amend Senate Bill 304, page 1, line 33, by inserting after the word "concerned" the following:

", and the employee seeking to transfer."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Goodwin	Keener	Smith
Barron	Gulledge	Lemaster	Taylor
Britnell	Hall	Little	Vacca
Callahan	Harrison	Mitchem	Weeks
Cook	Higginbotham	Parsons	White
deGraffenried			

--24

Nays: —0

And said Bill, S. B. 304, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor
Bailey	Goodwin	Kirkland	Robertson
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Harrison	Mitchem	Vacca
Cook	Higginbotham	Parsons	White
deGraffenried	Holmes		

—25

Nays: —0

The Bill:

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Keener	St. John
Bailey	Goodwin	Kirkland	Smith
Barron	Gulledge	Little	Taylor
Britnell	Harrison	McDonald	Vacca
Callahan	Higginbotham	Mitchem	White
deGraffenried	Holmes	Robertson	

—22

Nays: —0

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 108. CONGRATULATING AND COMMENDING MRS. EVELYN COLEY, BETA SIGMA PHI'S FIRST LADY OF ALEXANDER CITY.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the senate without engrossment:

By Reps. Brakefield and Naramore (with notice and proof):

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 655, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cheatwood (with notice and proof):

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 694, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 707, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 708 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 727. Relating to Covington County: to provide for an additional expense allowance for the members of the Board of Equalization of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 727, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 728. Relating to Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 728, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 730. Relating to Washington County; prohibiting the hunting of unantlered deer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 730, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 738. Relating to Clarke County: to increase the expense allowance of members of the Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 738, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ray (with notice and proof):

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 742, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Bowling (with notice and proof):

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 744, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 655, 694, 707, 708, 727, 728, 730, 738, 742, and 744. To the Committee on Local Legislation No. 1.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 43. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

as amended.

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The question was on the amendment offered by Mr. Bailey, which said amendment is set out in the Journal of the Senate for the Fifteenth Legislative Day.

On motion of Mr. Gullledge, said amendment was laid on the table.

Yeas 22; Nays 3.

Yeas:

Messrs.:	Glass	Lemaster	Taylor
Barron	Goodwin	Martin	Teague
Britnell	Gullledge	Miller	Vacca
Callahan	Hall	Mitchem	Weeks
Cook	Higginbotham	Parsons	White
Denton	Holmes	St. John	

—22

Nays: Messrs.: Bailey, Kirkland, Little. —3

Mr. Bailey then offered the following amendment to the bill, S. B. 43, as amended, to-wit:

AMENDMENT TO S. B. 43, AS AMENDED

Amend Senate Bill No. 43, Page 52, Line 27 by striking out "the power to vote a majority" and inserting "effective control of 25% or more."

MOTIONS IN WRITING

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 327, on page 78 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 327, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Miller then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 246, on page 78 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 246, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 367, on page 75 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 367, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 380, on page 76 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 380, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake (with notice and proof):

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 748, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 753. To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 753, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Pegues (with notice and proof):

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 754, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 748, 753 and 754. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens (with notice and proof):

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 690, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 690. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

Also:

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

Also:

H. J. R. 137. COMMENDING THE ATHENS NEWS COURIER ON ITS FIRST ONE HUNDRED YEARS OF PUBLICATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after their titles had been publicly read at length by the Secretary of the Senate signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Parsons, Vacca, White, Clemon, Proctor, Hall, Pearson and Cook
(with notice and proof):

S. 486. Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain forms be made available in the office of the judge of probate for the use of all persons and parties in interest; prescribing that upon request clerks in the said office shall give assistance in completing such forms; and repealing any law in conflict with the provisions of this Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 486, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Holmes (with notice and proof):

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 487, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Martin:

S. 488. To authorize any county governing body and any municipal governing body therein to adopt ordinances to protect the historical architectural character of the county, including, but not limited to: the designation of historic districts; the creation of certain agencies or authorities to regulate and promote the preservation of such districts, and to implement rules and regulations therefor; to provide for the appointment of members to such agency or authority; to provide for the powers and duties of such agency or

authority; to exempt such agency or authority from state or local taxation; to prescribe certain standards for the issuance and refusal of permits to applicants; to prescribe the manner of appeal by aggrieved parties; and to provide that the Alabama Historical Commission shall be the final authority in the event of any conflict.

Committee on Governmental Affairs.

By Mr. Teague:

S. 489. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified psychologist of this State notwithstanding any provisions of the policies or contracts to the contrary.

Committee on Banking and Insurance.

By Mr. Mitchem:

S. 490. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally recognized in the present-day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Committee on Agriculture, Conservation and Forestry.

By Mr. Mitchem:

S. 491. To amend the Code of Alabama 1975, Section 9-11-54, so as to further define and clarify qualifications for and issuance of disabled lifetime fishing licenses.

Committee on Agriculture, Conservation and Forestry.

By Mr. Callahan:

S. 492. To amend Section 12-17-110, Code of Alabama 1975, providing for the appointment and removal of circuit court registers, so as to further provide for an extension of not more than three years in the appointment of a circuit court register who otherwise would be eligible to retire.

Committee on Judiciary.

By Mr. Taylor (with notice and proof):

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 493, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE.
Secretary.

By Mr. Bailey:

S. 494. To exempt the National Peanut Festival Association, Inc., a non-profit agriculture promotion association, from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 43

The Senate proceeded to further consideration of the Bill, S. B. 43, as amended. The question was on the amendment offered by Mr. Bailey.

On motion of Mr. Gulledge, said amendment was laid on the table.

Mr. Bailey then offered the following amendment to the Bill, S. B. 43, as amended, to-wit:

AMENDMENT TO S. B. 43, AS AMENDED

Amend Senate Bill No. 43, as amended, Page 30, Line 13, by inserting after word "shall" ", within 60 days from the date of the submission to him on the proposed certificate of incorporation,"

On motion of Mr. Gulledge, said amendment was laid on the table.

Mr. Martin offered the following amendment to the Bill, S. B. 43, as amended, to-wit:

AMENDMENT TO S. B. 43, AS AMENDED

Amend Section 5-1-1 of S. B. 43 by adding at the end thereof the following:

"It shall also be known and may be cited as the Cates-Gulledge Banking Reform Act of 1980."

Mr. White offered a substitute amendment for the Martin amendment to the Bill, S. B. 43, as amended, to-wit:

SUBSTITUTE AMENDMENT FOR MARTIN AMENDMENT TO S. B. 43, AS AMENDED

Amend Section 5-1-1 of S. B. 43 by adding at the end thereof the following:

"It shall also be known and may be cited as the Gulledge-Cates Banking Reform Act of 1980."

Which was adopted.

And said Martin amendment, as thus amended by the substitute amendment, was then adopted by the Senate.

Yeas 18; Nays 0.

Abstaining 2.

Yeas:

Messrs.:	Denton	Little	Teague	
Bailey	Goodwin	Martin	Vacca	
Britnell	Hall	Mitchem	Weeks	
Cook	Keener	Robertson	White.	
deGraffenried	Kirkland	Smith		—18

Nays: —0

Abstaining: Messrs.: Barron, Gulledge. —2

Mr. White offered the following substitute for the Bill, S. B. 43, as amended, to-wit:

SUBSTITUTE FOR S. B. 43, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Be It Enacted by the Legislature of Alabama:

Chapter 1. GENERAL PROVISIONS

Section 5-1-1: Short Title.

This act shall be known and may be cited as the "Alabama Banking Code."

Section 5-1-2: Definitions.

For the purposes of this title, the following terms shall have the meanings respectively ascribed to them by this section:

BANK. Any banking corporation or trust company organized under the laws of this state under the jurisdiction of the superintendent of banks of this state or organized under the laws of the United States having its principal place of business in this state.

SUPERINTENDENT. The superintendent of banks of this state.

RECEIVERSHIP COURT. The circuit court of the county in which is located the principal office of a bank in receivership.

NATIONAL BANK. A national banking association organized pursuant to 12 U.S.C. § 21.

CAPITAL. The sum of the par value of the authorized shares of a bank which have been issued and remain outstanding.

SURPLUS. The aggregate of the amounts transferred to surplus pursuant to section 5-5-21 and any amounts subsequently designated as such by action of the board of directors of the bank.

UNDIVIDED PROFITS. The accumulated undistributed net profits of a bank.

BANK HOLDING COMPANY. A banking holding company as defined in 12 U.S.C. § 1841.

Section 5-1-3: Use of words "bank," "banker," "banking," etc., restricted.

The use of the words "bank," "banker," "banking" or words of similar meaning in any foreign language as a designation or name, or as part of a designation or name, under which business is or may be conducted in the state of Alabama, or in its advertising is restricted to banking corporations organized under the laws of Alabama, other states, the United States or foreign countries. All other persons, firms, or corporations are prohibited from using the words "bank," "banker," or "banking" or words of similar meaning in any foreign language as a designation or name or as part of a designation or name under which business may be conducted in this state. Any violation of this prohibition shall subject the party chargeable therewith to a penalty of \$100.00 for each day during which it is committed or repeated. Such penalty may be recovered by the superintendent by an action instituted for that purpose, and, in addition to said penalty, such violation may be enjoined and the injunction enforced as in other cases. This section shall not be applicable to any residents of this state regularly engaged in business in this state as individuals, partnerships, unincorporated associations or Alabama corporations now lawfully using such words in their trade or firm name.

Section 5-1-4: Restrictions on engaging in banking business.

No person, firm, corporation, or other entity except a bank may lend money and either receive deposits or pay checks at its principal office or branch in this state.

Section 5-1-5: Supervisory provisions of title not applicable to national banks.

The supervisory provisions of this title shall not apply to national banks.

Chapter 2. STATE BANKING DEPARTMENT

Section 5-2-1: Duties generally.

There shall be a state banking department which shall administer the laws of this state which regulate or otherwise relate to corporations doing or carrying on a banking business or operating a credit union in the state, all laws relating to savings and loan associations doing business in this state and all laws relating to persons, firms or corporations engaging in the loan business in this state. The authority of the state banking department to perform such functions shall be exclusive.

Section 5-2-2: Offices, venue.

The state banking department shall locate and maintain its principal office in the city of Birmingham, Alabama, from which place it shall perform its duties and transact its business. Unless otherwise provided in this title, all actions in which the superintendent, the banking department or its employees, the banking board or its members are named or joined must be brought in the circuit court of Jefferson County.

Section 5-2-3: Assessment of banks—when payable; amount; disposition of revenue.

Each bank shall on the call of the superintendent pay to the state banking department an assessment fee based on the total resources of the bank as may be shown by its last report to the state banking department. The rate of such assessment shall be in an amount fixed by the superintendent and approved by the banking board and the assessment may be made more frequently than annually. All assessments and other fees collected by the

state banking department shall be paid into a special fund to be set up by the state treasurer. The special fund shall be used to pay the salaries of the officials and employees and the expenses of the state banking department, including the purchase of equipment, vehicles and supplies necessary for the examination and supervision of banks, and all monies deposited therein are hereby appropriated for that purpose. The expense of all examiners of the state banking department shall be paid according to regulations promulgated by the superintendent, and the state banking department and its several bureaus and divisions are hereby exempt from the provisions of Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975. It is provided, however, that nothing in this section shall be construed to mean that all salaries of the officials and employees are expenses of operating and equipping the state banking department shall come from the special fund. No other assessment or license of any kind shall be levied against or collected from any bank or banking institution, except the ordinary taxes assessed against property in general, and except as may be specifically provided for in this Code.

Section 5-2-4: Same—Fees for failure to pay assessment; proceedings for collection of assessment.

Each bank failing to make payments of assessments on call made by the superintendent within 45 days after receiving notice from the superintendent of the amount of the assessment, shall pay to the state \$100.00 for each day after such 30 day period. Such sum, together with the amount due from the bank, may be collected by civil action from the bank in the name of the state against the bank, and the attorney general shall represent the superintendent in proper proceedings to enforce the collection of the assessment, together with the amount provided in this section.

Section 5-2-5: Superintendent—qualifications, appointment and term of office; filling of vacancies.

The state banking department shall be in the charge of the superintendent, who shall be the chief executive officer of the department. The superintendent shall be a person of good character and shall be neither directly nor indirectly interested in nor borrow money from a bank chartered under the laws of this state. Debts of the superintendent existing at the time of his appointment with banks chartered under the laws of this state may not be extended or renewed. The superintendent shall be appointed by the governor by and with the consent of the senate. The term of office of the superintendent shall expire on the first day of February after the expiration of the term of office of the governor making the appointment, but he may continue to serve until his successor is appointed and has qualified. If for any reason there should be a vacancy in the office while the senate is not in session, the governor shall appoint a superintendent and such superintendent shall hold office and exercise the powers conferred by law upon him until the senate meets and passes on the appointment, and if his appointment is disapproved by the senate another appointment shall be made by the governor in like manner until an appointment is confirmed by the senate. To be eligible for appointment as superintendent, a person must have had at least five years' experience in the 10 years next preceding his appointment either as an officer or director of a bank or an examiner or other officer in a federal or state bank supervisory agency, including the office of the comptroller of the currency, the federal reserve system, the federal deposit insurance corporation and the banking departments of the various states or other equivalent experience for at least five years in the 10 years next preceding his appointment.

Section 5-2-6: Same—Oath and bond.

The superintendent, before entering upon the discharge of his duties, shall take and subscribe to the oath prescribed by the Constitution and laws of this state, and shall give bond in the penal sum of \$25,000. The oath and the bond shall be filed with the secretary of state.

Section 5-2-7: Same—Seal of office; recordation of executed papers.

The secretary of state shall provide the superintendent with an official seal. Every paper executed by him as such superintendent, in pursuance of any authority conferred on him by law and sealed with his official seal, shall be received in evidence and may be recorded in the proper recording office in the state in the same manner and with the same effect as a deed regularly acknowledged or proven.

Section 5-2-8: Same—Removal; removal of member of banking board.

(a) The superintendent of any member of the banking board may be removed from office by vote of two thirds of the members of the entire banking board for

- (1) neglect of duty;
- (2) malfeasance;
- (3) misfeasance;
- (4) extortion or corruption in office;
- (5) incompetency;

(6) intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as to render such person unfit for the discharge of his duties; or

(7) any offense involving moral turpitude while in office, committed under color thereof or connected therewith.

(b) The superintendent may also be removed from office, without cause, upon written order of four appointed members of the banking board and the governor.

Section 5-2-9: Same—expansion of banking powers by superintendent.

(a) The legislature finds as fact and determines that the banking industry composed of those banks having their principal place of business in Alabama must keep pace with technological and other improvements constantly being made throughout the United States so as to enable Alabama banks to render better and more efficient services to the citizens of Alabama. It is necessary and desirable that the superintendent be given additional authority in these fields.

(b) The superintendent is hereby authorized to expand banking powers of Alabama banks or the powers of Alabama Savings and loan associations or the powers of Alabama credit unions in order to (1) accommodate or take advantage of changing technologies and (2) assure the ability of Alabama banks, Alabama savings and loan associations and Alabama credit unions to be responsive in their respective businesses to the needs and conveniences demanded by consumers and businesses through on-premises as well as off-premises operations; provided, that nothing in this section shall enable the superintendent to authorize banks to engage in activities which are not

properly incident to the business of banking nor to enable the superintendent to authorize savings and loan associations or credit unions to engage in the business of offering financial services which are now prohibited to them. No bank, no savings and loan association and no credit union having its principal place of business outside of Alabama may engage in the banking, savings and loan or credit union business in Alabama under the provisions of this section; provided, that the superintendent is authorized to enter into agreements with the appropriate regulatory authorities of other states or of the United States, under the terms of which banks, savings and loan associations or credit unions of such foreign state or subject to federal regulatory jurisdiction, and banks, savings and loan associations and credit unions having their principal place of business in Alabama are given and may exercise reciprocal rights.

(c) The superintendent is authorized to issue regulations under subsection (b) and shall give notice in writing of any such proposed regulation to each Alabama bank, Alabama savings and loan association and Alabama credit union affected thereby, inviting comments, and shall give due consideration to such comments before adopting any final regulation. Any regulation issued under this section relating to banks shall be adopted pursuant to the provision of section 5-2-11. Any Alabama bank, Alabama savings and loan association or Alabama credit union and any foreign corporation or association covered by the provisions of subsection (b) desiring to exercise any such expanded power must secure in advance written permission of the superintendent. The superintendent may prescribe the form or forms for such applications for permits and may impose reasonable conditions in granting such permits.

(d) To the extent permitted by federal law, the provisions thereof may be utilized by national banks and federally chartered savings and loan associations and federally chartered credit unions.

Section 5-2-10: Same—promulgation of regulations.

The superintendent may, with the concurrence of a majority of the members of the state banking board, promulgate such reasonable regulations, consistent with the laws of this state, as may be necessary to carry out the provisions of this title over which the state banking department has jurisdiction. The superintendent shall, in addition, issue written interpretations of banking laws, and regulations. Any bank and any officer or director thereof relying on any regulation or interpretation shall be fully protected even though the same shall be thereafter ruled invalid for any reason by a court competent jurisdiction.

Section 5-2-11: Same—Procedure for promulgation of regulations; judicial review.

(a) Prior to the adoption, amendment, or repeal of any regulation, the superintendent shall:

(1) give at least forty-five days' notice of the intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all banks in this state and shall be published in a newspaper of general circulation in Montgomery County. A complete copy of the proposed regulation shall be filed with the secretary of state; and

(2) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. Opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The superintendent shall consider fully all written and oral submissions respecting the proposed regulation. Upon adoption of a regulation, the superintendent, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein the reasons for overruling the considerations urged against its adoption.

(b) Notwithstanding any other provision of this section to the contrary, if the superintendent finds that an immediate danger to the public welfare requires adoption of a regulation upon fewer than thirty-five days' notice and states in writing has reasons for that finding, he may proceed without prior notice or hearing or upon any abbreviated notice and hearing that he finds practicable to adopt an emergency regulation. The regulation shall become effective immediately, unless otherwise stated therein, upon the filing of the regulation and a copy of the written statement of the reasons therefor with the secretary of state. The regulation may be effective for a period of not longer than one hundred twenty days and shall not be renewable. The superintendent and banking board shall not adopt the same or a substantially similar emergency regulation within one calendar year from its first adoption unless the superintendent clearly establishes it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. The adoption of the same or a substantially similar regulation by normal regulation-making procedures is not precluded.

(c) No regulation hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any regulation on the ground of noncompliance with the procedural requirements of this section must be commenced within two years from the effective date of the regulation; provided, however, that a proceeding to contest a regulation based on failure to provide notice as herein required or on an incorrect interpretation of the law may be commenced at any time.

(d) The validity or applicability of any regulation or an interpretation of the banking department may be determined in an action for declaratory judgment brought in the circuit court of Montgomery County when it is alleged that the adoption, amendment or repeal of any regulation or any interpretation or the application or threatened application of any regulation or any interpretation interferes with or impairs or threatens to interfere with or impair the legal rights and privileges of the bank or any person affected thereby.

Section 5-2-12: Same—Impairment of capital.

Whenever the superintendent shall have reason to believe that the capital of any bank is impaired, he may in his discretion require such bank to make good the deficit by the date specified by him, which requirement shall be in writing. The superintendent may cause the affairs of any such bank to be examined to ascertain the amount of such impairment and whether the deficiency has been made good as required by law.

Section 5-2-13: Same—Losses; to correct impairment of capital.

Whenever losses are sustained by a bank, such losses shall be charged on the books of the bank as losses so that the books of the bank will show the true

condition of the bank. When, by reason of losses or otherwise, the capital of a bank is impaired, and when the bank has been notified by the superintendent, under Alabama Code section 5-2-12, the bank must make good its impairment of capital in a manner approved by the superintendent.

Section 5-2-14: Same—Superintendent to report and order correction of unsafe and unsound matters; removal of directors or officers.

The superintendent may order the board of directors of any bank to correct any matters in the conduct of the affairs of the bank which in his opinion are unsafe and unsound. The banking board may, after at least 15 days' written notice to the bank and any officer or director affected, and a hearing, remove any director or officer of a bank which does not comply with the superintendent's order to correct unsafe and unsound matters if the banking board by written order enters a finding that the bank has thereby suffered or will probably suffer substantial financial loss and that such practice is one involving personal dishonesty on the part of such director or officer or one which demonstrates a willful and continuing disregard for the safety and soundness of the bank, the result of which has caused the bank to suffer or which is likely to cause the bank to suffer substantial financial loss. In such written notice, the superintendent shall include a specific statement of the facts constituting the alleged unsafe and unsound conduct to be made the basis of the removal. At the hearing thereof, the officer or director shall have the right to appear in person or by counsel. Any order directing removal of a director or officer shall within fifteen days of the date of entry thereof be appealable to the Circuit Court of Montgomery County, which appeal shall be conducted *de novo*. Pending expiration of the time for appeal, the order of removal shall not become effective. All proceedings before the banking board shall be confidential. Any person violating this section be disclosure of information shall be guilty of a misdemeanor.

Section 5-2-15: Same—Annual report to governor; publication and distribution, etc.

The superintendent shall make from the reports of the department during the year an annual report to the governor on the activities of the banking department and such other information as the governor may request and shall keep on file as a public record in the superintendent's office a copy thereof. The board may print for public distribution such annual report and such other material as it deems suitable for the more effective administration of departmental business.

Section 5-2-16: Same—Reports of criminal violations to grand juries.

The superintendent shall submit to the grand juries in the respective counties of the state any criminal violations of the banking laws known by him to have occurred in such county.

Section 5-2-17: Independent audit; minimum standards.

The board of directors of each state bank shall at least once in each calendar year have an audit made of its books and affairs, including any accounts held in a fiduciary capacity, by independent auditors approved by the superintendent. These may be separate audits. "Independent auditors" shall include the audit staff of a correspondent bank or the audit staff of a bank holding company, or auditors or accountants who are not employees of the bank. The superintendent shall by regulation establish minimum standards for audits and reports, which shall include such matters as he shall require. To assist in promulgating minimum standards for audits and reports, the superintendent shall appoint an advisory committee of no less than

six members. Membership of the committee shall consist of auditors, as qualified in this act, who regularly perform audits in banks chartered under the laws of Alabama. A majority of the committee shall be comprised of individuals who are certified internal auditors, chartered bank auditors, or certified public accountants. The committee shall meet at the call of the superintendent. The advice of this committee shall not be binding on the superintendent and the members shall serve without compensation. A report of the audit shall be signed by the person making it, and such signed copy shall be submitted to the board of directors and retained in the bank. If any bank has a system of internal audit approved by the superintendent of banks, no such independent audit shall be required, and in lieu thereof the auditor or comptroller of the bank shall submit to its board of directors an annual summary of the same matters, which shall be retained in the bank. Such report shall also set forth the degree of compliance with the approved audit system.

Section 5-2-18: Appointment, etc., of assistants and employees generally; bond of deputy superintendent.

(a) Subject to the provisions of the Merit System Act, the superintendent may appoint or employ one or more deputy superintendents and such assistants, employees and attorneys as may be necessary to the efficient operation of the department. He shall fix their compensation in accordance with the Merit System Act and the pay plan of the state personnel department. All such assistants, employees and attorneys shall be subject to the provisions of the Merit System. The superintendent shall, with the approval of the governor, have authority to employ and discharge special counsel as he may deem necessary.

(b) The deputy superintendent of banks shall in the absence of the superintendent exercise any of the powers conferred by law on the superintendent and shall before entering upon the duties of his office execute to the State of Alabama a bond in the amount of \$25,000.00 for the faithful performance of his duties.

Section 5-2-19: Limitation of liability of superintendent, members of banking board, or employees.

Neither the superintendent, any member of the banking board nor any employee of the banking department shall be personally liable for any acts done in good faith while in the performance of his duties as provided by law.

Section 5-2-20: Bank examiners—Oath; duties generally.

Every examiner shall, before entering upon the discharge of his duties, take and file with the superintendent an oath faithfully to discharge his duties as examiner. Each examiner shall act under the direction of the superintendent and shall examine fully into the books, papers and affairs of each bank which he may be directed by the superintendent to examine.

Section 5-2-21: Same—Commission.

The superintendent shall furnish to each examiner a commission under the signature of the superintendent and official seal of the state banking department, which commission the examiner shall exhibit to the bank, and to any officer or officers proposed to be examined as his authority for making the examination.

Section 5-2-22: Bond of examiners and office assistants.

Before entering upon the duties of their respective offices, all examiners and office assistants shall execute to the state of Alabama a bond to be fixed and approved by the superintendent, for the faithful performance of their duties.

Section 5-2-23: Counsel.

The attorney general without additional compensation shall render to the state banking department such legal services as the superintendent may request. The district attorney in each county in this state, when requested by the superintendent, shall as a part of his official duty and without compensation, represent the superintendent in any civil action that the superintendent may desire to bring, or that may be brought against the superintendent under the provisions of this title, in his respective circuit or county.

Section 5-2-40: Composition of bank board; chairman; appointment and terms of office of members.

There shall be a banking board, which shall consist of the superintendent, who shall be ex officio a member and chairman of the board, and six persons who shall be appointed by the governor, by and with the consent of the senate. At the time of appointment members shall reside in different congressional districts. Members of the banking board shall be appointed for terms of six years each so that the terms of two of the six appointed members will expire on February 1 of each odd-numbered year. Upon the expiration of their terms of office, members of the board shall continue to serve until their successors are appointed and have qualified.

Section 5-2-41: Meetings of Board.

A meeting of the banking board may be had on call of the superintendent or any three members of the board. The superintendent shall give to each member of the banking board at least three days' notice of the time and place of any meeting of said board unless such notice is waived by all the members of the board.

Section 5-2-42: Same—Place.

Any meeting of the banking board may be held at any place within the state.

Section 5-2-43: Quorum.

A majority of members of the banking board shall constitute a quorum for the transaction of any business.

Section 5-2-44: Removal of members; filling of vacancies; qualification of members.

If a vacancy shall occur in the appointed membership of the banking board, the vacancy shall be filled by appointment of the governor, and the appointee shall hold office until the senate meets and passes on the appointment. If the appointment is disapproved by the senate, another appointment must be made by the governor, and appointments must be made in like manner until an appointment is confirmed by the senate. The six appointed members of the banking board shall be persons of good character. Four of the six must have had at least five years' experience in the 10 years next preceding their appointment to the banking board either as an officer of a

bank, a director of a bank or an examiner or other officer in a federal or state bank supervisory agency, including the office of the comptroller of the currency, the federal reserve system, the federal deposit insurance corporation and the banking departments of the various states or other equivalent experience. Three of the members of the board, during the time they hold office, shall be connected with some state bank doing business as a bank under the laws of the state of Alabama as an officer or director of such bank.

Section 5-2-45: Compensation of members.

No person appointed as a member of the banking board shall receive any compensation for this service; except, that each appointed member of said banking board shall receive \$50.00 per day and expenses as paid state employees for each day said banking board is in session. The compensation of the appointed members of the banking board shall be paid as earned by the state treasurer on warrants drawn by the comptroller, in favor of each of them, which warrants are to be drawn on the certificate of the superintendent, which certificate shall certify that a meeting of said board was held, stating the time of meeting and stating the amount to which each member of the board is entitled.

Chapter 3. EXAMINATIONS OF BANKS; REPORTS OF BANKS

Section 5-3-1: Required times; items to be examined.

(a) Every bank other than national banks shall be subject to the supervision and inspection of the superintendent and the regulations and supervision thereof. The superintendent shall, by competent examiner appointed by him, visit and examine every bank organized under the laws of Alabama at least once in each calendar year. Such examination of banks shall be at irregular intervals. On every such examination, inquiry shall be made as to the conditions and resources of the bank, the mode of conducting and managing the affairs of the bank, the action of its directors, the investment of the funds of the bank, the safety and prudence of the management of the bank, whether the requirements of its charter and of law have been complied with in the administration of the affairs of the bank and as to such other matters as the superintendent may prescribe. In addition, the superintendent may in like manner examine or cause to be examined the affairs of every bank and every affiliate of such bank except a national bank, a subsidiary of a national bank or a bank holding company, or a subsidiary of a bank holding company other than a bank organized under the laws of Alabama, whenever, in the judgment of the superintendent, the management and condition of the bank or affiliate is such as to render an examination of its' affairs necessary or expedient, or whenever, in the opinion of the superintendent, the interest of the public demands an examination.

(b) The term "affiliate" shall include any corporation, business trust, association or other similar organization.

(1) Of which a bank, directly or indirectly, owns or controls either a majority of the voting shares or more than fifty per centum of the number of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions; or

(2) Of which control is held, directly or indirectly, through stock ownership or in any other manner, by the shareholders of a bank who own or

control either a majority of the shares of such bank or more than fifty per centum of the number of shares voted for the election of directors of such bank at the preceding election, or by trustees for the benefit of the shareholders of any such bank; or

(3) Of which a majority of the directors of the bank comprise a majority of the directors, trustees, or other persons exercising similar functions of the organization; or

(4) Which owns or controls, directly or indirectly, either a majority of the shares of capital stock of a bank or more than fifty per centum of the number of shares voted for the election of directors of a bank at the preceding election, or controls in any manner the election of a majority of the directors of a bank at the preceding election, or controls in any manner the election of a majority of the directors of a bank, or for the benefit of whose shareholders or members all or substantially all the capital stock of a bank is held by trustees.

Section 5-3-2: Acceptance of examinations and reports of federal bank regulatory agency, etc.

The superintendent is authorized to accept, in his discretion, in lieu of any examination authorized by the laws of this state to be conducted by his department the examination that may have been made of same within a reasonable period by a federal bank regulatory agency, provided a copy of said examination is furnished to said superintendent. Nothing in this section shall be construed to limit the duty of any banks in this state, deposits in which are to any extent insured under the provisions of the Federal Deposit Insurance Act or of any amendment of or substitution for the same, to comply with the provisions of said act, its amendments or substitutions or the requirements of said corporation relative to examinations and reports, nor to limit the powers of the superintendent with reference to examinations and reports under existing law.

Section 5-3-3: Disclosure of information obtained by superintendent, bank examiners, etc.

(a) Neither the superintendent, any member of the state banking board, nor any bank examiner or other state employee shall disclose the condition and affairs of any bank ascertained by an examination of such bank or report or give information as to persons who are depositors or debtors of a bank, except as authorized or required by law; provided, that this section shall not be construed to prevent bank examiners and other employees from reporting such information to the superintendent or such persons as he may lawfully designate.

(b) Notwithstanding the provisions of subsection (a) of this section, the superintendent, at his discretion, may disclose any such information to the members of the state banking board and confer with the members of such board regarding the same.

(c) The superintendent may furnish to the federal reserve, federal deposit insurance corporation, the comptroller of the currency or to any successor banking supervisory agency of the United States reports of examination and other data as the superintendent deems advisable.

(d) The superintendent may also furnish copies of his reports of examination and any other information to the board of directors of the bank which was examined and to any bank holding company owning more than fifty-five percent (55%) of the capital stock of such bank.

(e) Any reports or information furnished or disclosed under subsection (a), (b), (c), or (d) of this section shall remain the property of the banking department and may not be disclosed to any person other than the officers, directors, attorneys and auditors of such bank, or bank holding company.

(f) Any person violating this section shall be guilty of a misdemeanor.

Section 5-3-4: Expenses of special examinations.

The expenses incidental to any special examination of banks or their affiliates shall be borne by the bank so examined, and such bank shall, on the call of the superintendent, pay into the treasury of Alabama, earmarked for the use of the banking department, within 10 days after said examination, an amount not exceeding the actual expenses of such examination, including per diem, travel expenses and the pro rata portion of the salaries of the state employees engaged in making such examination.

Section 5-3-5: Examination of agency of foreign banks.

The superintendent shall have the power to examine or cause to be examined every agency located in this state of any foreign bank for the purpose of ascertaining whether it has violated any law of the state and for such other purposes and to such other purposes and to such other matters as the superintendent may prescribe.

Section 5-3-6: Powers of superintendent and bank examiners as to witnesses and production of documents.

The superintendent and every examiner acting under the superintendent may administer oaths and may examine under oath any person whose testimony may be required on the examination of any bank, on the examination of any affiliate of a bank, or on the examination of any agency of any foreign bank and shall have authority and power to compel the appearance and attendance of any such person or the production of any records and documents of any bank, any affiliate of a bank or any agency of a foreign bank for the purpose of any examination and said attendance or production may be enforced by order of a circuit court.

Section 5-3-7: False swearing, etc., before bank examiners or superintendent.

Any person who willfully or corruptly swears or affirms falsely, when being examined under oath by any bank examiner or the superintendent in regard to any material matter or thing, shall be guilty of perjury.

Section 5-3-8: Reports of superintendent and bank examiners as to examinations; publication of reports of examination for limited purposes.

Each examiner shall report under oath to the superintendent the result of each examination made by him, which report the superintendent shall keep on file in his office for a period of not less than two years from the time of the making of such report. The superintendent shall have the power, and he is hereby authorized, to publish the report of his examination of any bank or any affiliate of a bank which shall not within one hundred and twenty days after notification of the recommendations or suggestions of the superintendent, based on said examination, have complied with the same to his satisfaction. Ninety days' notice prior to such publication shall be given to the bank or affiliate of a bank.

Section 5-3-9: Loans, commissions, gifts, rewards, etc., to banking department employees from banks, employees, etc.

(a) No officer, agent or employee of any bank shall offer or give to an employee of the state banking department or his family, and no such employer nor his family shall solicit or receive anything of value directly or indirectly from a bank, including a gift, favor, or service or a promise of future employment. Expenses associated with social occasions afforded such employee shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

(b) No banking department employee shall, either directly or indirectly, be pecuniarily interested in nor borrow from a state bank. Debts now existing and any debt which may be owing at the time of employment to state banks may not be extended or renewed.

(c) Nothing herein shall be construed to prohibit the superintendent or a state banking department employee from owning a certificate of deposit in a state bank, however, no preferential rate shall be granted.

Section 5-3-10: False reports by bank examiners or superintendent.

Any bank examiner who shall make a report under oath as to the result of any examination made by him which is knowingly and willfully false shall be guilty of perjury.

Section 5-3-11: Reports of examination; meetings of banking Board—Confidential.

All reports of examination, records reflecting action of the bank taken pursuant thereto, and records and minutes of meetings of the banking board relating to a bank or several banks shall be confidential and shall not be subject to subpoena or inspection except by subpoena from a grand jury served on the superintendent.

Section 5-3-12: Semi-annual reports by banks—Required; verification.

All banks shall make to the superintendent, on the call of the superintendent for such report, not less than two reports during each year, according to the form which may be prescribed by the superintendent. Such report must be verified by the oath or affirmation by the president or cashier or secretary and by at least three directors of the bank to be correct to the best of their knowledge and belief of each.

Section 5-3-13: Same—Special reports of banks.

The superintendent may call for a special report from any particular bank whenever, in his judgment, the same is deemed necessary for the protection of the public or for a full and complete knowledge of the condition of the bank by the superintendent. A special report called for shall be made in all particulars as required by sections 5-3-14 and 5-3-15, but the superintendent shall not have the right to require that such report be published in a newspaper.

Section 5-3-14: Same—Form; publication; penalty for late report.

Each report required by section 5-3-12 shall exhibit in detail and under appropriate head the resources and liabilities of each bank at the close of business on any past day specified by the superintendent, not more than five (5) days prior to the issue of the superintendent's call, which day for report shall be uniform throughout the state and shall be transmitted by the bank to the superintendent within thirty (30) days after the receipt of a request or requisition therefor from him, and the same shall be published once by the

bank in a newspaper in the city or town in which the bank is located, at the expense of said bank. If no newspaper is published in the town where the bank is located, publication must be made in a newspaper published in the nearest city. Proof of such publication shall be furnished by the bank to the superintendent in such manner as may be required by him, including the clippings of the report as published in the newspaper.

The superintendent shall prescribe to the bank the form for the published report made by the bank, which form shall contain such items as are deemed necessary by the superintendent to inform the public as to the financial condition of the bank. The superintendent shall see that each bank has published its report in accordance with the form prescribed and shall check such published report, using the newspaper clipping furnished him by the bank, with the sworn report of the bank filed with the superintendent.

If the report is not published by the bank, the superintendent shall, at the expense of the bank, publish the report. Each bank failing to transmit the report to the superintendent within thirty days after the receipt of a request shall pay \$100.00 for each day after said thirty days. Said fee may be waived by the superintendent upon a showing of good cause by the party requesting the waiver.

Section 5-3-15: Same--Republication.

If there are discrepancies in the published report of the bank and the sworn report furnished to the superintendent and if, in the opinion of the superintendent, the discrepancies are due to clerical errors, the superintendent shall notify the bank to republish the report so as to conform with the sworn report filed with the superintendent, and the bank shall make such republication. If, in the opinion of the superintendent, the discrepancies in the published and sworn reports are not due to clerical errors, the superintendent shall forthwith publish a true and correct report as shown by the sworn report filed with the superintendent, stating in such publication that the published report of the bank did not conform to the sworn report on file with the superintendent, and the bank shall pay the costs and expenses of such republication.

Section 5-3-16: Failure to pay for publication of bank report by superintendent.

Any bank which fails or refuses to pay the cost and expense of the publication by the superintendent of any report of the bank made in pursuance of the requirements of law shall pay to the state \$100.00 plus cost of publication.

Section 5-3-17: Verification of false report of condition of bank.

Any person who knowingly and willfully signs or verifies by oath or affirmation any false report of the condition of a bank to the superintendent, on call of the superintendent for such report, shall be guilty of perjury.

Chapter 4. RETENTION OF BANK RECORDS.

Section 5-4-1: Certain records to be retained; disposition of records after retention for prescribed period; reproduction of records and books.

(a) Every bank shall retain its business records for such periods as may be prescribed by regulation adopted pursuant to section 5-2-11.

(b) Any bank may dispose of any records which have been retained for the period prescribed by the superintendent.

(c) Any bank may cause any or all books and records at any time in its custody and books and records relating to trusts, estates and other fiduciary accounts, to be reproduced by photostatic, photographic, or microphotographic process, or by any other generally recognized reproduction process, and reproduction so made, whether enlarged or not, shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

Section 5-4-2: Applicability of chapter to state and national banks, etc.

This chapter shall be applicable to banks and, to the extent that they are not in contravention of any law or regulation of the United States, the provisions of this chapter shall apply and inure to the benefit of national banking associations doing business in this state.

Chapter 5. ORGANIZATION AND OPERATION OF BANKS

Section 5-5-1: Procedure for incorporation—Application for permit.

(a) The proposed incorporators of a bank shall execute and acknowledge an application for a permit in writing in the form prescribed by the superintendent and shall file the same in the office of the state banking department, which application shall be signed by all of the incorporators requesting a certificate authorizing the proposed bank to transact business at the place, time and under the name stated in said application.

(b) At the time of filing said application, the applicant shall pay to the superintendent a filing fee.

(c) The superintendent shall designate the newspaper in which notice of intention to organize shall be published as required by section 5-5-2.

Section 5-5-2: Same—Notice of intention to incorporate.

Before a bank can become incorporated under the laws of Alabama, a notice of intention to organize such bank shall be published once a week for three successive weeks in the newspaper designated by the superintendent. Such notice shall specify the names of the proposed incorporators, the name of the proposed corporation, the place where it proposes to do business and the amount of capital paid in with which it will commence business, provided however, where the superintendent determines an emergency exists which might cause or has caused closing or liquidating an existing bank, the superintendent may waive such advance publication requirement in order to permit formation of a new bank, and such publication shall occur after the new bank commences business.

Section 5-5-3: Same—Affidavit of proposed incorporators; affidavit of proposed stockholders; submission of proposed certificate of incorporation; disclosure to stockholders.

After the notice of intention to incorporate has been published, the parties named as proposed incorporators in the published notice of the proposed corporation shall make an affidavit before some officer authorized to administer oaths and in said affidavit shall set forth the fact of publication of the notice as required by section 5-5-2, the names of the proposed stockholders, and the names of the proposed executive officers; and attach to the affidavit a copy of the published notice; and each proposed stockholder shall

make an affidavit which shall state for himself that the bona fide intends to become a stockholder in the amount subscribed for in the proposed bank. These affidavits shall be filed with the superintendent; and, at the time of filing these affidavits, the proposed incorporators shall submit to the superintendent the proposed certificate of incorporation of the bank. The proposed incorporators must also disclose in writing to each proposed stockholder such data as the superintendent may require.

Section 5-5-4: Same—Investigation as to fitness of stockholders and executive officers and necessity for banks.

The superintendent shall ascertain whether the character and general fitness of the persons named as proposed incorporators, proposed stockholders and proposed executive officers in the affidavit and in the proposed certificate of incorporation are such as to command the confidence of the community in which such bank is proposed to be located, and the superintendent shall make this inquiry and determination, regardless of whether or not objections to the incorporation are filed with him. The superintendent shall investigate the convenience and need for a bank in the community where the same is proposed to be located and shall also ascertain if there is sufficient business in said community to support said bank.

Section 5-5-5: Same—Filing of objections to incorporation of proposed bank; investigation of objections.

Any bank doing business in the community or any reputable citizen in the community may file with the superintendent an objection to the incorporation of the proposed bank, provided that the superintendent may refuse to accept objections after 15 days from the last date of publication of the notice of intention to incorporate. If such objection is filed, the superintendent shall thoroughly and specifically inquire into and investigate the objections. The superintendent in his investigation may summon witnesses to appear before him, and may administer oaths to such witnesses, and may examine such witnesses under oath. The superintendent may in his discretion disclose in confidence to the proposed incorporators such information which relates to the proposed bank as he deems appropriate and the superintendent and employees of the banking department shall be immune from suit in their individual capacity because of such disclosure and information.

Section 5-5-6: Same—Certificate of superintendent of banks authorizing filing of certificate of incorporation.

If the superintendent shall be satisfied from his investigation that the character and general fitness of the persons named as stockholders and executive officers are such as to command the confidence of the community in which such bank is proposed to be located and that there is sufficient business to support said bank in said community and that the convenience and needs of said community shall be served, he shall pass upon the sufficiency of the certificate of incorporation; and, if he approves the certificate he shall issue under his hand and official seal a certificate authorizing the proper official or officials to file the certificate of incorporation upon proof of payment of subscription to the capital subscribed for as required by law. The superintendent shall transmit the proposed certificate of incorporation, together with said certificate made by him to the official or officials with which a certificate of incorporation would be filed under the business corporation laws of this state, and the superintendent shall keep on file in his office a duplicate of the certificates made by him.

Section 5-5-7: Same—Filing and recordation of certificate of incorporation.

The official or officials designated by the business corporation laws to file certificates of incorporation shall, upon the certificate of incorporation being duly signed by the incorporators and proof being duly made as required by law of the payment of subscription to the capital, file and record the certificate of incorporation and other papers necessary or deemed necessary in the incorporation of the bank, together with the said certificate issued by the superintendent.

Section 5-5-8: Same—Refusal to permit incorporation; appeal from refusal to banking board.

If the superintendent is of the opinion from his investigation that the character and general fitness of the persons names as stockholders or executive officers are such as not to command the confidence of the community in which such bank is proposed to be located or that there is not a sufficient business to support said bank in said community or that the convenience or needs of said community shall not be served, he shall issue under his hand and official seal, a refusal to permit the incorporation of the proposed bank and a copy of his refusal shall be filed in the superintendent's office, and the refusal and the proposed certificate of incorporation shall be returned to the proposed incorporators or their agent. No right of appeal to the banking board exists except upon refusal of the superintendent to permit incorporation. Any proposed stockholder or individual may appeal from such refusal of the superintendent by written notice of appeal filed with the superintendent within 28 days of the notice of refusal to the banking board. The banking board may take evidence and examine witnesses with respect to the propriety and justice vel non of said refusal and may make such findings and orders as may be necessary either to confirm said refusal or to permit the incorporation of such bank. Full power and authority is hereby vested in the state banking board to review, revise, and reverse or confirm any ruling or finding or order of the superintendent denying the establishment of state banks and to take evidence and examine witnesses of all parties touching such matters. The banking board will notify all parties of its decision.

Section 5-5-9: Same—Judicial review.

Nothing in this chapter shall be construed to prevent the circuit court of Montgomery County, as provided by law, from reviewing and reversing either the action of the banking board in granting or refusing a charter or permitting the organization of a new bank or the action of the superintendent in granting a charter or permitting the organization of a new bank. Written notice of appeal must be filed with that court within 28 days of the order from which the appeal is taken. Upon proper proceedings, the court, after full hearing of the matters at issue, shall enter an order or judgment reversing or affirming the order appealed. The granting of a charter or permit by the superintendent or granting or refusal to grant a charter or permit by the banking board shall be taken as prima facie just and reasonable.

Section 5-5-10: Permit to transact business—Required.

No bank shall engage in the banking business until it shall have received from the superintendent a permit to transact a banking business. Any person who shall hereafter transact any business as an officer or agent of any bank hereafter incorporated, before such bank is authorized to transact

business as a bank by the permit of the superintendent, shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000.00 nor more than \$10,000.00. Each day on which said person transacts such business shall be a separate offense. The superintendent is empowered to seek an injunction from any court of competent jurisdiction enjoining such transaction of business.

Section 5-5-11: Same—Examination; issuance and recordation of permit.

The superintendent shall, before issuing his permit to any bank to commence business under the application provided for in section 5-5-1, examine or cause an examination to be made in order to ascertain whether the requisite capital of such bank has been paid in cash. If the superintendent shall find that the requisite capital has been paid in cash, that the certificate of incorporation has been approved and recorded and that all other requirements for the issuance of the permit have been met, he shall issue his permit authorizing such bank to commence business at the place, time and under the name as stated in the application for the permit and to transact business in this state as a bank, which permit shall be recorded in the office of the superintendent in a book to be kept by him for that purpose, and a certified copy thereof shall be filed and recorded at the expense of the bank in the office of the official or officials with which the certificate of incorporation of the bank has been filed.

Section 5-5-12: Membership in federal deposit insurance corporation, etc.

All banks now or hereafter operating under the laws of this state shall be members of the federal deposit insurance corporation or such other agency as may be created to insure the deposits of such bank.

Section 5-5-13: Filing fee; other fees.

(a) The banking board shall from time to time fix the amount of the fee for filing an application for a new bank, and for:

- (1) establishment of a branch of an existing bank;
- (2) conversion of a national bank to a state bank;
- (3) a merger of two or more existing banks;
- (4) establishment and operation of any facility authorized under the provisions of sections 5-2-9 and 5-2-10;
- (5) acquisition of a majority of voting stock of a bank;
- (6) any examination necessitated by the foregoing; and
- (7) other actions that require the approval of the superintendent or the banking board.

(b) All such fees shall be paid into the special fund set up by the state treasurer pursuant to section 5-2-3.

Section 5-5-14: Capital—Minimum amount required for incorporation of bank.

(a) No bank hereafter organized under the laws of Alabama shall have total initial capital accounts actually paid in of less than \$800,000.

(b) The superintendent may require a higher amount of capital accounts and where the bank will have no significance except as a means of acquiring the assets or the voting shares of an existing bank, the superintendent may require a lesser amount of capital accounts.

Section 5-5-15: Same—Increase or decrease.

Any bank shall with the consent of the superintendent have power and authority to increase or decrease its authorized capital in the manner provided for a corporation under the business corporation laws of this state.

Section 5-5-16: Issuance of capital notes and debentures.

No bank shall issue capital notes or capital debentures except with the prior written approval of the superintendent under such conditions as he may impose.

Section 5-5-17: Amendment of certificate of incorporation; approval of amended certificate of incorporation.

A bank may amend its certificate of incorporation in the manner provided by the laws governing business corporations. No proposed amendment of a certificate of incorporation of a bank is valid unless approved in writing by the superintendent and may be recorded unless such written approval accompanies the proposed amendment.

Section 5-5-18: Powers of banks.

Corporations formed for the purpose of doing business as a bank may

- (1) discount bills, notes or other evidences of debt;
- (2) receive and pay out deposits, with or without interest, pay checks, and impose charges for any services;
- (3) receive on special deposit money, bullion or foreign coins or bonds or other securities;
- (4) buy and sell foreign and domestic exchanges, gold and silver bullion or foreign coins, bonds, bills of exchange, notes and other negotiable paper;
- (5) lend money on personal security or upon pledges of bonds, stocks or other negotiable securities;
- (6) take and receive security by mortgage, security agreement or otherwise on property, real and personal;
- (7) become trustees for any purpose and be appointed and act as executors, administrators, guardians, receivers, or fiduciaries upon receiving the prior written approval of the superintendent under § 5-14-1;
- (8) lease real and personal property upon specific request of a customer;
- (9) perform computer, management and travel agency services for others;
- (10) subscribe to the capital stock and become a member of the federal reserve system and comply with rules and regulations thereof; and
- (11) do any business and exercise any powers incident to the business of banks.

Section 5-5-19: Reserves.

(a) A bank which is not a member of the federal reserve system shall maintain at all times a reserve fund in an amount fixed by resolution of the banking board. Such reserve on demand deposits shall not exceed 14 percent and shall be not less than seven percent of the total of such demand deposits; provided, that in the case of banks in reserve cities, as now or hereafter defined by proper federal laws or regulations, the maximum amount of reserves which may be required to be maintained against demand deposits shall be 22 percent. Such reserve on time and savings deposits shall not exceed six percent and shall not less than three percent of the total of such time and savings deposits. The amount of the required reserve for each day shall be computed on the basis of average daily deposits covering such biweekly or shorter periods as shall be fixed by resolution of the banking board. This reserve shall consist of cash on hand and demand deposits due from others banks.

(b) A bank shall give written notice to the superintendent, in the manner prescribed by the superintendent for such notice, of any deficiency in the amount or form of the reserve fund required by this section within three business days after the close of any scheduled averaging period during which deficiency occurs. Such bank shall pay to the superintendent a fee because of this deficiency which shall be fixed by the banking board. All such fees shall be paid into the special fund set up by the state treasurer pursuant to section 5-2-3.

(c) A bank which is a member of the federal reserve system shall maintain at all times a reserve fund in accordance with the requirements applicable to a member bank under the laws of the United States.

Section 5-5-20: Branch banks.

No bank, or any officer, agent or director thereof, shall be permitted to establish a branch or office for the transaction of the banking business other than at its principal place of business, in any county in this state, except as has been heretofore or which may hereafter be provided by local laws or general laws of local application. All existing branch banks are hereby validated.

Section 5-5-21: Surplus; restriction on dividends.

Every bank shall transfer to surplus each year at least ten percent of its net earnings until the surplus of such bank shall be equal to at least twenty percent of its capital, and it shall be unlawful for such bank to declare or pay a dividend in excess of ninety percent of the net earnings of such bank until the surplus of such bank shall be equal to at least twenty percent of capital.

Thereafter the prior written approval of the superintendent shall be required if the total of all dividends declared by the bank in any calendar year shall exceed the total of its net earnings of that year combined with its retained net earnings of the preceding two years, less any required transfers to surplus. No dividends, withdrawals or transfers may be made from the bank's surplus without the prior written approval of the superintendent.

For the purpose of this section the term "net earnings" shall mean the remainder of all earnings from current operations plus actual recoveries on loans and investments and other assets, after deducting from the total thereof all current operating expenses, actual losses, accrued dividends on preferred stock, if any, and all federal, state and local taxes.

Section 5-5-22: Limits of indebtedness.

(a) No bank shall make a loan to any one person which, when combined with all other loans to such person, would cause total loans to that person to exceed:

(i) Ten percent of the capital accounts of the bank, if such loans are not secured, or

(ii) Twenty percent of the capital accounts of the bank, if loans in excess of ten percent of capital are fully secured.

No loans which would exceed the limitation set forth in (a)(i) shall be made unless duly authorized or approved by the board of directors of the bank, a committee of the board of directors of the bank or a loan committee, with such authorization or approval recorded in minutes of the meeting at which the authority was given.

(b)(i) As used in this section, the term "capital accounts" shall include capital, surplus and undivided profits as defined in Section 5-1-2, together with obligations of the bank subordinated in priority upon liquidation or dissolution to the claims of depositors of the bank. The term shall also include such reserves as may from time to time be permitted to be included by the superintendent.

(ii) In calculating total loans to a person under this section the following rules shall govern:

(A) In computing the total liabilities of any person to a bank, there shall be included all liabilities to the bank as maker of acceptor of paper discounted with or sold to such bank and the liability of the indorser, drawer, or guarantor who obtains a loan from or discounts paper with or sells paper under his guaranty or repurchase agreement to such bank.

(B) In computing the total liabilities of any person to a bank, there shall be included all liabilities to the bank of any partnership or any unincorporated association of which such person is a member, any loans made for such person's benefit or for the benefit of such partnership or unincorporated association, and any loans made to, or for the benefit of, a corporation of which such person owns thirty-five percent or more of the capital.

(C) In computing the total liabilities of any partnership or unincorporated association to a bank, there shall be included all liabilities of its individual members to such bank, loans made for the benefit of such partnership or unincorporated association or any member thereof, and any loan made to, or for the benefit of, any corporation of which any member owns thirty-five percent or more of the capital.

(D) In computing the total liabilities of any corporation to a bank, there shall be included all loans made for the benefit of the corporation, and all loans to, or for the benefit of any partnership or unincorporated association, or any member thereof, who owns thirty-five percent or more of the capital of such corporation.

(E) In computing the total liabilities of any person to a bank, direct or indirect loans to such person's spouse will be aggregated and treated as loans to such person until the bank can satisfy the superintendent that each spouse has a separate net worth and such net worth of each is not dependent on decisions made or actions taken by the other.

(c) There shall be excluded from the limits set forth in subsection (a) of this section the following:

(i) Indebtedness evidenced by commercial paper drawn in good faith against actually existing values and secured by a security interest upon goods in transit with shippers' order, bills of lading or comparable instruments attached;

(ii) Deposits in a reserve depository or a federal reserve bank;

(iii) Loans to the extent secured by;

(A) Obligations of, and obligations guaranteed by the United States, the State of Alabama, any political subdivision of the State of Alabama, any public body of the State of Alabama or a public body of any political subdivision of the State of Alabama if the obligations or guarantees are general obligations thereof;

(B) Obligations which the bank would be authorized to acquire without limit as investment securities;

(C) Guarantees or commitments or agreements to take over or purchase made by any department, bureau, board, commission or establishment of the United States of any corporation owned directly or indirectly by the United States; or

(D) At least a like amount of cash or deposits held by the lending bank.

(iv) Investment securities acquired by the bank.

(v) Such other loans, liabilities or transactions as shall from time to time be established by regulations of the state banking department.

(d) It shall be the duty of the superintendent to order any loans in excess of the amount fixed in this section reduced to the legal limit or the excess charged to profit and loss if, in his opinion, such excess is not well secured, and if such reduction shall not be made within 30 days after such notification, to proceed as in other cases provided for violation of the orders of the superintendent.

Section 5-5-23: Investments and loans with respect to housing.

(a) Banks, insurance companies and savings and loan associations are authorized:

(1) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance and to obtain such insurance; and

(2) To make such loans secured by real property or leasehold as the federal housing administrator insures or makes a commitment to insure and to obtain such insurance.

(b) It shall be lawful for banks, insurance companies or savings and loan associations to purchase, invest in and dispose of bonds or notes secured by mortgages issued by the federal housing administrator and in securities issued by national mortgage associations.

(c) No law of this state requiring security upon which loans or investments may be made, or prescribing or limiting interest rates upon loans or investments, or prescribing or limiting the period for which loans or investments may be made shall be deemed to apply to loans or investments made pursuant to the foregoing paragraph.

(d) Any bank or trust company purchasing, investing in or otherwise holding in any fiduciary capacity for the benefit of any ward or other beneficiary any mortgage loan insured by the federal housing administrator shall be entitled to receive and retain for its own individual or corporate account any service charge allowed by said administrator on account of the servicing of the insured mortgage loan. Such service charge shall be considered as a reimbursement to such fiduciary for the additional expense of handling for the mortgagor and the federal housing administrator monthly collections on such mortgage loan and payments of taxes, insurance and other charges on the property securing such loan as such administrator and regulations may require.

(e) Wherever, by statute of this state, collateral is required as security for the deposit of public or other funds, or deposits are required to be made with any public official or department, or an investment of capital or surplus or a reserve or other fund is required to be maintained, consisting of designated securities, notes and bonds insured by the federal housing administrator and debentures issued by the federal housing administrator and obligations of national mortgage associations shall be acceptable at face value for such purposes.

Section 5-5-24: Purchase of bonds issued under federal farm credit act as security for public funds.

(a) For the purpose of promoting and encouraging agricultural production by providing cheap money for the farmer by the sale of bonds issued under the provisions of any federal Farm Credit Act by the federal land banks, said bonds so issued are designated as security for all character of public funds, especially for securing deposits by designated depositories for the funds of the state of Alabama and of the various counties, municipalities and districts of Alabama.

(b) Insurance companies organized under the laws of the state of Alabama may purchase such bonds with their capital stock and also with the accumulations of such companies, including the reserve thereof, to an amount not exceeding 25 percent thereof.

(c) Banks may purchase such bonds out of their funds to an amount not exceeding 25 percent of their capital and surplus.

Section 5-5-25: Acceptance of drafts or bills of exchange arising from transactions involving shipment of goods authority.

Any bank in Alabama may accept drafts or bills of exchange drawn upon it, having not more than six months' sight to run, exclusive of days of grace, which grew out of transactions involving the importation or exportation of goods or which grew out of transactions involving the domestic shipment of goods, if shipping documents conveying or securing title are attached at the time of acceptance or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. The bank shall keep a careful record of all such acceptances and show the same as a liability on its general books.

Section 5-5-26: Same—Limitations.

No bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm or corporation, to an amount equal at any time in the aggregate to more than 10 percent of its paid up and unimpaired capital and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the

acceptance, and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one half of its paid up and unimpaired capital stock and surplus. Banks which are members of the federal reserve system may accept such bills to an amount not exceeding at any time in the aggregate 100 percent of their paid up and unimpaired capital and surplus, but the aggregate of acceptances growing out of domestic transactions shall in no event exceed 50 percent of such capital and surplus.

Section 5-5-27: Loans secured by own stock; purchase of own stock; ownership of capital stock of other banks.

No bank shall make a loan taking its own stock as security therefor or directly or indirectly purchase shares of its own stock, except in pursuance of provisions of law for reducing its capital stock. No bank shall subscribe for or own capital stock in any other bank except in the usual course of business in payment of an indebtedness or in order to prevent a loss on a debt owing to it and the bank must sell said stock within one year from the time the same is acquired unless this time period is extended by the superintendent; provided, however, that nothing in this section shall prohibit the ownership by any bank of any stock in this section shall prohibit the ownership by any bank of any stock in another bank acquired prior to the effective date of this Act.

Section 5-5-28: Pledge of assets.

Any bank is authorized to pledge acceptable assets as security for deposits of public funds, heretofore or hereafter made, by the state or any political subdivision of the state or any agency or other government instrumentality of such subdivision, including any county, municipal corporation, county, city or other public board of education, including any custodian or treasurer of county, city or other public school funds, any improvement authority heretofore or hereafter incorporated under chapter 7 of Title 39 of this Code or any public corporation, including each board, authority or district heretofore or hereafter organized or created in this state pursuant to authorization or determination by any municipality or municipalities or by any county or counties or the governing body of any one or more thereof. The word "deposits," as used in this section, means deposits of all kinds, including, without limiting the generality of the foregoing, deposits in savings accounts, deposits in checking accounts, deposits in special trust funds, demand deposits, special deposits, time deposits on which interest is to be paid and deposits for which a bank has issued its certificates of deposit.

Section 5-5-29: Security not required when deposits insured.

Notwithstanding any provision of law of this state or of any political subdivision of the state or any agency or governmental instrumentality of such subdivision requiring security for deposits in the form of collateral, surety bond or in any other form, security for such deposits shall not be required to the extent said deposits are insured by the Federal Deposit Insurance Corporation or any successor thereto.

Section 5-5-30: Transactions of business on legal holidays; use of automatic unmanned cash dispensing machine or other instrumentality as authorized by section 5-2-9 and section 5-2-10.

(a) Any bank may lawfully receive deposits or pay checks or sight drafts and transact any other business on any legal holiday, excepting Sunday, in the same manner and way that it is authorized to do on any legal banking day.

(b) Nothing in this section, nor any other law of this state, shall be construed to prohibit a bank the use of an automatic unmanned cash dispensing machine, or other instrumentality as authorized per section 5-2-9 and section 5-2-10, 24 hours each day of the week including Sunday, and the use of such machine or other instrumentality by any bank is hereby authorized, provided such machine or other instrumentality and the use thereof is first approved by the appropriate bank regulatory authority, if such approval is required.

Section 5-5-31: Liability for transactions on legal holidays.

A bank shall be liable for and chargeable with deposits received and other business transacted on a legal holiday the same as if such deposit were received or business transacted on a legal banking day and shall have the same protection for payment of checks or sight drafts and business on a holiday that it would have if such payments were made and such transactions had on a legal banking day.

Section 5-5-32: Closing of banks, etc., permitted on one business day of each week.

(a) Any bank or any branch or branches thereof may close on any one business day of each week and shall have this right even though there shall fall in such week a holiday as established in section 1-3-8. If the superintendent should determine that an emergency should exist, he may authorize any bank or any branch or branches thereof to close on one or more business days.

(b) Any such day upon which such bank or any branch or branches thereof may elect to close shall with respect to such institution be deemed a holiday for all purposes and not a business day. All acts omitted or done by such bank or any branch or branches thereof upon any such day shall have the same consequence and effect as if omitted or done upon the next succeeding business day, and any act authorized, required or permitted to be performed at or with respect to any such bank or any branch or branches thereof on the days so fixed may be performed on the next succeeding business day, and no liability or loss of rights of any kind shall result from such delay to any person or to any bank, or any branch or branches thereof.

Section 5-5-33: Bank to pay checks drawn on it at par.

Any bank shall pay all checks drawn on it and transmitted in a cash letter at par and shall make no charge for the payment of such checks the first time presented to it for payment.

Section 5-5-34: Payment of postdated checks.

Whenever a postdated check is drawn upon any bank, the bank upon which the check is drawn shall not be liable to the drawer of said check because of paying the check prior to the date thereof, unless there appears written across the face of the check in bold type or writing the word POSTDATED.

Section 5-5-35: Agreements between principal and sureties on bond for deposit of money and assets in bank, etc.

It shall be lawful for any party of whom a bond, undertaking or other obligation is required to agree with his surety or sureties for the deposit of any or all money and assets for which he and his surety or sureties are or may be held responsible with a bank, or with other depository approved by the court or judge thereof, if such deposit is otherwise proper, for the safekeeping thereof, and in such manner as to prevent the withdrawal of such money or assets or any part thereof, without the written consent of such surety or sureties, or an order of court or a judge thereof made on such notice to such surety or sureties as such court or judge may direct; provided, however, that such agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of the bond.

Section 5-5-36: Notice upon maturity of certificate of deposit issued for more than ninety days.

In the case of certificates of deposit issued for more than ninety (90) days which are automatically renewable, a bank shall send within a reasonable period, but in no event less than five (5) days before the next maturity, a written notice to the last known address of record.

Section 5-5-37. Rights of minors.

A minor may make, in her or his own name, a deposit in any bank, and such deposit may be general or special, and shall be paid only to such minor, or upon his or her order, and not to the parents or guardians of such minor, and such payment shall be valid as against the minor child, his or her parents or guardian.

Section 5-5-38: Disposition of small deposits of deceased person—To whom payable; when bond required.

Whenever a person shall die leaving deposits in a bank not exceeding \$5,000.00 in the aggregate, the bank may in its discretion discharge itself from liability thereafter by paying the deposits to the surviving spouse of the deceased or, if there is none, to the adult children and the person having the actual custody and control of the minor child or children of the deceased; provided, that such person, if not the legal guardian, shall execute to the probate judge of the county where the principal office of the bank is located a bond in the penal sum of double the amount of the portion of such deposit he receives for the faithful accounting of the money so received, which shall be approved by said probate judge; or if there is no surviving spouse or child or children, to the person or persons who, under the laws of Alabama, are the next of kin and inherit the personal property of the deceased. The bank shall be fully protected by requiring an affidavit by some reputable citizen as to the facts specified.

Section 5-5-39. Same—Time for payment; when payment prohibited.

No payment shall be made pursuant to section 5-5-37 by the bank before the lapse of 60 days from the date of the death of the deceased, and no payment shall be made by the bank under this section if letters testamentary or of administration have issued to a personal representative or a proceeding is pending in the court in this state which would have jurisdiction of the administration of the estate. The bank shall be fully protected by requiring an affidavit by some reputable citizen as to the facts specified.

Section 5-5-40: Disposition of deposit in trust for another upon death of trustee.

Whenever any deposit shall be made in any bank by any person in trust for another and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to and received by the bank, in the event of the death of the trustee, such deposit or any part thereof, together with any interest thereon, may be paid to the person for whom said deposit was made, whether a minor or adult, and the receipt or acquittance of such person shall fully relieve and release said bank from all liability.

Section 5-5-41. Payment of deposits made in names of two persons upon death of one; more than two persons with provision for survivorship.

(a) Any deposit heretofore or hereafter made in any bank in the names of two persons payable to either of such persons, upon the death of either of said persons, may be paid by the bank to the survivor, irrespective of whether or not (i) the form of the deposit or deposit contract contains any provision for survivorship, (ii) the funds deposited were the property of only one said person, (iii) there was at time of the making of such deposit any intention on the part of the person making such deposit to vest the other with a present interest therein, (iv) only one of said persons during their joint lives had the right to withdraw such deposit, (v) there was any delivery of any bank book, account book, savings account book, certificate of deposit or other writing by the person making such deposit to the other of such persons, or (vi) any other circumstances. The bank in which such deposit is made may pay such deposit, or any part thereof or interest thereon, to either of said persons, or if one is dead, to the surviving of them, and such payment shall fully release and discharge the bank from all liability for any payment so made.

(b) The provisions of this section shall apply to savings accounts, checking accounts and certificates of deposit and shall also apply to any deposit made in the names of more than two persons where there is an express written provision for survivorship in the deposit contract.

(c) Nothing contained in this section shall be construed to prohibit the person making such deposit from withdrawing or collecting the same during his lifetime; nor shall anything contained in this section prohibit any person or persons making a deposit in the names of more than one person from providing for disposition of such deposit and interest thereon in a manner different from that provided above in this section, provided such different manner of disposition is expressly provided for in writing in the deposit contract.

Section 5-5-42: Adverse claims to deposits.

Notice to any bank of an adverse claim to a deposit standing on its books to the credit of any person shall not be effectual to cause said bank to recognize said adverse claimant unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate process against said bank from a court of competent jurisdiction in a civil action therein instituted by such claimant wherein the person to whose credit the deposit stands is made a party and served with summons or shall execute to said bank in form and with sureties acceptable to it, a bond indemnifying said bank from any and all liability, loss, damage, costs and expenses for and on account of the payment or recognition of such adverse claim or the dishonor of or failure to pay the check or failure to comply with other order of the person to whose credit the deposit stands on the books of said bank; provided, that

this section shall not apply in any instance where the person to whose credit the deposit stands is fiduciary for such adverse claimant and the facts constituting such relationship, as well as the facts showing reasonable cause of belief on the part of the said claimant that the said fiduciary is about to misappropriate said deposit, are made to appear by the affidavit of such claimant.

Section 5-5-43: Disclosure of customer financial records.

A bank shall disclose financial records of its customers pursuant to a lawful subpoena, summons, warrant or court order issued by or at the request of any state agency, political subdivision, instrumentality, or officer or employee thereof and serve upon the bank only if the bank is furnished a certificate that such subpoena, summons, warrant or court order or a certified copy of such court order has also been served upon the customer whose records are being sought, at least ten days prior to the date on which the records are to be disclosed; provided a court of competent jurisdiction, for good cause, may waive service of such subpoena, summons, warrant or court order or certified copy thereof upon such customer. No bank, director, officer, employee or agent thereof shall be held civilly or criminally responsible for disclosure of financial records pursuant to a subpoena, summons, warrant or court order which on its face appears to have been issued upon lawful authority and if it receives such certificate. Prior to making disclosure the bank may require reimbursement for the reasonable costs incurred or to be incurred by it in the course of compliance including but not limited to, reproduction costs, personnel costs and travel expenses.

Section 5-5-44: Acquisition of majority of voting shares of a bank.

(a) No person may acquire any voting security of a state bank or of any corporation or other entity owning voting securities of a state bank if after the acquisition such person would own or possess the power to vote a majority of the voting securities of such bank, unless an application is filed with the superintendent for his review of the proposed transaction and for his action, if any, as provided in this section.

(b) The application shall be on a form prescribed by the superintendent and shall be made under oath. The application must contain all information that the superintendent by regulation requires to be furnished in an application, as well as any information that the superintendent orders to be included in the particular application being filed and shall be accompanied by the filing fee prescribed by the banking board. No acquiring party may acquire control of a bank unless the superintendent has approved the acquiring party's acquisition plan. The acquiring party shall file its application with the superintendent, and the application shall, except to the extent expressly waived by the superintendent, contain the following information:

(1) The identity, personal history, business background and experience of each person by whom or on whose behalf the acquisition is to be made, including his material business activities and affiliations during the past five years, and a description of any material pending legal or administrative proceedings in which he is a party and any criminal indictment or conviction of such person by a state or federal court.

(2) A statement of the assets and liabilities of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the five fiscal years immediately preceding the date of the notice, together with related statements of income and source and application of

funds for each of the fiscal years then concluded, all prepared in accordance with generally accepted accounting principles consistently applied, and an interim statement of the assets and liabilities for each such person, together with related statements of income and source and application of funds, as of a date not more than ninety days prior to the date of the filing of the notice.

(3) The terms and conditions of the proposed acquisition and the manner in which the acquisition is to be made.

(4) The identity, source and amount of the funds or other consideration used or to be used in making the acquisition, and if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction, the names of the parties, and any arrangements, agreements, or understandings with such persons.

(5) Any plans or proposals which any acquiring party making the acquisition may have to liquidate the bank, to sell its assets or merge it with any company or to make any other major change in its business or corporate structure or management.

(6) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and a brief description of the terms of such employment, retainer, and arrangement for compensation.

(7) Copies of all invitations or tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

(8) If any tender offer, request or invitation for tenders, or other agreement to acquire control is proposed to be made by means of a registration statement under the Federal Securities Act of 1933, as amended, or under circumstances requiring the disclosure of similar information under the Federal Securities Exchange Act of 1934, as amended, or in an application filed with the federal deposit insurance corporation, the board of governors of the federal reserve system or the securities commissioner of Alabama requiring similar disclosure, the superintendent may accept the registration statement or application with any additional information as the superintendent may require in lieu of the requirements of this section.

(9) If, while an application is pending, any material change occurs in the facts stated in the application, the acquiring party within ten (10) days after the change shall file with the superintendent an amendment to the application describing the change in accordance with rules the superintendent may adopt.

For the purposes of this section, the term "person" means an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity not specifically listed herein.

Information obtained by the superintendent under this section is confidential and may not be disclosed by the superintendent or any officer or employee of the state banking department, except that the superintendent may in his discretion, if he deems it necessary or proper to the enforcement of the laws of this state or the United States and to the best interest of the public, divulge such information to any department, agency or instrumentality of the state or federal government.

(c) The superintendent shall issue an order denying an application if he finds that:

(1) the financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors or stockholders of the bank;

(2) the competence, experience or integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors or stock holders of the bank, or in the interest of the public to permit such person to control the bank; or

(3) any acquiring person neglects, fails or refuses to furnish the superintendent all the information required by him.

(d) If an application filed under the section is not denied by the superintendent within thirty (30) days after it is filed, the transaction may be consummated. The superintendent may, before the expiration of the thirty-day period, give the applicant written notice that the application will not be denied, in which case the transaction may be consummated. Any agreement entered into by the applicants and the superintendent as a condition that the application will not be denied is enforceable against the applicant and the bank.

(e) From any final order denying the application the applicant may **appeal the decision in the manner and through the procedures established in sections 5-5-8 and 5-5-9** for the denial of incorporation of a bank.

(f) This section does not apply to:

(1) the acquisition of securities in connection with the exercise of a security interest or otherwise by way of foreclosure on default in the payment of a debt previously contracted for in good faith;

(2) transactions requiring the prior approval of the board of governors of the federal reserve system under the Bank Holding Company Act of 1956, as amended (12 U.S.C.A. § 1841, et seq., and 26 U.S.C.A. § 1101, et seq.);

(3) transactions requiring prior approval of the bank supervisory authorities under the Bank Merger Act, as amended (12 U.S.C.A. § 1828(c)).

(4) acquisitions or transfers by gift, operation of law or by will or intestate succession; or

(5) any transaction which the superintendent by regulation or order may exempt as not being contemplated by the purposes of this section or the regulation of which is not necessary or appropriate for the protection of the bank.

(g) If it appears to the superintendent that any person has committed or is about to commit a violation of this section or any regulation or order of the superintendent adopted under it, the attorney general on behalf of the superintendent may apply to the circuit court of Montgomery County for an order enjoining the violation and for any other equitable relief as the nature of the case may require.

(h) Fees collected under this section shall be paid into the special fund established by the state treasurer pursuant to section 5-2-3.

Section 5-5-45: Initiation of run on banks, etc.

Any person or persons whose business it is, either as individuals, agents or officers of banks, to receive checks, drafts and demands, when the same are not entitled to days of grace, upon any bank, and who receives the same, for collection and retains the same for an unreasonable time, without making known to the drawee bank that such collections and demands are held for collection, in order to accumulate a large amount for the purpose of starting what is commonly called a "run" on such bank, or for the purpose of embarrassing such drawee bank shall be guilty of a misdemeanor.

Section 5-5-46: False, etc., statements, etc. affecting financial standing of bank.

Any person who shall willfully and maliciously make, circulate or transmit to another or others any false, libelous or slanderous statement, rumor or suggestion written, printed or by word of mouth which is directly or by inference derogatory to the financial condition, or affects the solvency or financial standing of any bank, or who shall counsel, aid, procure or induce another to start, transmit or circulate any such statement or rumor shall be guilty of a misdemeanor.

Section 5-5-47: Liability of directors for knowing and willful violation.

If the directors of any bank shall knowingly and willfully violate or knowingly and willfully permit any of the officers, agents or employees of the bank to violate any of the provisions of Title 5, each and every director participating in or assenting to the same shall be held liable in his personal and individual capacity for all damages which the bank, its stockholders or any other person shall have sustained in consequence of such violation.

Chapter 6—DIRECTORS, OFFICERS, AND EMPLOYEES

Section 5-6-1: Directors of banks to own stock in bank; citizenship and residence of directors.

Every director of a bank shall be a citizen of the United States and shall be the owner and holder of shares of stock in the bank or parent bank holding company having a par value of at least two hundred dollars, and every such director shall hold such shares in his own name, unpledged and unencumbered in any way except statutory lien which might attach in favor of such corporation. No person convicted of a felony or a crime involving moral turpitude shall serve as a director. At least fifty-one percent of the directors of every bank shall be residents of the state and at least seventy-five percent of the directors of every such bank shall be residents of this state or residents of a state contiguous to Alabama. Any director at any time violating any of the provisions of this section shall be removed from office by the board of directors or by the superintendent when the facts are made known to him.

Section 5-6-2: Oath of directors.

Every such director shall, within 30 days after his election, take and subscribe, in duplicate, an oath that he will diligently and honestly perform his duties as such director, not knowingly violate or permit to be violated any provision of the banking law of this state and that he is the owner in good faith of the shares of stock of the bank or company required to qualify him for such office, standing in his own name on its books. A copy of such oath shall be forthwith filed with the superintendent of banks. No director shall perform the duties of his office until such oath is made, and in case a

director fails to make such oath, his place on the board shall be declared vacant and his successor elected as prescribed by the bylaws of the bank, such successor being required to have the same qualifications and take the same oath as provided by this chapter.

Section 5-6-3: Meeting of board of directors; bonds of officers and employees of banks.

The board of directors of any bank shall hold regular meetings at such time as may be fixed by the bylaws, at least once every two months, and shall at all times be subject to call by the president or by any two members of the board. Notwithstanding contrary provision in the certificate of incorporation or bylaws of a bank, meetings of the board of directors may be called by the superintendent and held at any place he requires. The board of directors, at their first meeting after election, shall fix and prescribe the amount of bond that shall be required of each officer and employee of the bank, and shall not be less than the amount that may have been fixed or that may be hereafter fixed by the superintendent for officers and employees of banks of the class to which it belongs. They shall require bonds, either individual or in blanket form, from each and every officer and employee handling money, checks, securities or other valuable papers of the bank, such bond to be made by a bonding company authorized to make such bonds in this state to be approved by the board of directors and to be in such form as may be approved by the superintendent. ~~The superintendent or the board of directors of the bank may~~ require an increase of the amount of such bond or other additional bond and securities, when he or they deem it necessary for the better protection of the bank and its depositors. Directors, as such, shall not be required to give bond.

Section 5-6-20: Declaration of illegal dividends, discounts of notes, etc.

Any director of a bank who knowingly concurs in any vote or act of the directors of such bank by which it is intended to pay a cash dividend except from the undivided profits arising from the business of the bank in violation of section 5-5-21, or to make or approve a loan with the stock of the lending bank as security therefor; to divide, withdraw or in any manner pay to the stockholders or any of them any part of the capital of the bank, or to purchase or reduce such capital, except in pursuance of law; or to discount or receive any note or other evidence of debt in payment of any installment of purchase price of capital actually called in and required to be paid, or with intention to provide the means of making such payment; or to receive or discount any note or other evidence of debt with the intent to enable any stockholder to withdraw any part of the money paid in by him on his stock; or to apply any portion of the funds of such corporation except as allowed by law, directly or indirectly, to the purchase of shares of its stock, is guilty of a misdemeanor.

Section 5-6-21: Concealment of loans, purchase or sale of security, etc.

Any officer or employee of a bank who intentionally conceals from the directors or a committee of such bank where the directors have delegated authority to a committee to pass on loans and discounts, any discount or loan made for and in behalf of the bank between the regular meetings of its board of directors or committee or the purchase or the sale of any of its securities during the same period is guilty of a misdemeanor.

Section 5-6-22: Overdrawing own account; receipt of commissions, etc., to procure loans, purchases, discounts, etc.

Any officer, director, or employee of a bank who willfully and knowingly overdraws his account with such bank and thereby obtains money or funds of any such bank except as the superintendent shall allow by regulation, or asks, receives, consents or agrees to receive any commission, emolument, gratuity, or reward or any promise of any commission, emolument or reward, or any money, property or thing of value or of personal advantage in procuring or endeavoring to procure for any person, firm or corporation any loan from or the purchase or discount of any paper, note, draft, check or bill of exchange by any such bank is guilty of a misdemeanor.

Section 5-6-23: Receipt or possession of bank property with intent to defraud, etc.

Any director, officer or employee of a bank who knowingly receives or possesses himself of any of its property otherwise than in payment for a just demand and with intent to defraud shall be guilty of a felony.

Section 5-6-24: Making of false entries, etc., on books and accounts of bank.

Any director, officer or employee of a bank who with intent to defraud makes or concurs in making any false entry, or with intent to defraud omits or concurs in omitting to make any material entry on its books and accounts, shall be guilty of a felony.

Section 5-6-25: Fraudulent representation as to capital false reports, etc., as to condition of bank, etc.

Any director, officer or employee of a bank who knowingly, by newspaper advertisement or otherwise, represents its capital to be in excess of the actual capital accounts or knowingly concurs in making or publishing any materially false written report, exhibit or statement of its financial condition, making any material statement which is false, or refuses or intentionally neglects to make any report or statement required by this title is guilty of a felony.

Section 5-6-26: Loans or extension of credit to bank officers and employees.

An officer or employee of any bank who shall in any way obtain as a borrower any of the funds of such bank without having first complied with the requirements of this section must on conviction be punished as if he had embezzled the amount borrowed.

Any loan obtained by an officer or employee of a bank must be made in accordance with a written loan policy which has been adopted by the board of directors. Such loans or extensions of credit may be made only if (1) the bank would be authorized to make such loans or extensions of credit to borrowers other than officers and employees and (2) such loans or extensions of credit to officers and employees do not involve more than the normal risk of repayment or present other unfavorable features. All such loans, extensions of credit, or lines of credit to an officer must be reported to the board of directors at its next meeting.

Chapter 7—BANK MERGER, CONSOLIDATION OR CONVERSION

Section 5-7-1: Banks may merge or consolidate; transfer of place of business.

Any bank may consolidate or merge with or transfers its assets and liabilities to another bank and any bank may move its office or place of business from one city or town to another city or town within the state.

Section 5-7-2: Proceedings to effect consolidation, merger or transfer.

Before such consolidation, merger or transfer shall become effective, the following proceedings must be had and done: The board of directors of each bank affected must pass a resolution stating that such consolidation, merger or transfer is desirable and order the officers of the bank to call a meeting of the stockholders to consider the proposition. Upon the passage of such resolution by the directors, the officers shall mail a notice of such meeting to each stockholder at his last known place of residence, postage prepaid, at least 30 days before the date set for the meeting of stockholders, which notice shall specify the date and place of the meeting and the purpose for which the meeting is to be held. A copy of the resolution must also be forwarded to the superintendent for his information, and he shall investigate the advisability of such consolidation, merger or transfer. On the day of the meeting of the stockholders, a resolution may be prepared setting forth the desirability of the consolidation, merger or transfer of the place of business of such bank, which shall set forth the terms, etc., of such consolidation, merger or transfer and such other matters as the stockholders may see proper, not contrary to law. If a majority of the stock is represented at such meeting and vote in the affirmative for such resolution and the superintendent shall approve all of the proceedings and it is his judgment that the same would be for the best interest of the institution or institutions affected, such resolution shall have the force and effect of consolidating or merging such institution with the other institution, provided such action of the other institution is likewise satisfactorily passed by its stockholders. If the proposition to transfer the place of business from one town or city to the other is affirmatively voted for by a majority of all the stock of the institution and the superintendent, after careful investigation, is of the opinion that it is wise to change or transfer the place of business to another town or city, such transfer shall be made.

Section 5-7-3: Certificate of proceedings to be forwarded to superintendent of banks.

A certificate of all the proceedings, including a copy of the pertinent portion of the minutes of the meeting of the board of directors at which the resolution under section 5-7-2 was passed, the notice which was given to each stockholder and a copy of the minutes of the stockholders' meeting, shall be made and certified to by the president and cashier of the institution under the seal thereof and acknowledged before a notary public as deeds are required to be acknowledged by a corporation and forwarded to the superintendent for his certificate of approval.

Section 5-7-4: Issuance of certificate of approval by superintendent.

If the superintendent approves the entire proceedings, he shall issue his certificate of approval in writing, in duplicate, one copy being filed in his office and the other forwarded, along with the certificate, to the officials where articles of merger or consolidation would be filed under the business corporation laws of this state, for record at the expense of the institution affected.

Section 5-7-5: Examinations; written consent of superintendent to consolidation.

Before approving proceedings to consolidate one such institution with another, the superintendent shall cause to be made an examination of each such institution to determine whether the interests of the depositors, creditors and stockholders of each are protected and that such consolidation is made for legitimate purposes, and his consent or rejection of such consolidation or transfer shall be based upon such examination and investigation. The expense of such examination shall be paid by such institution. No such consolidation shall be made without the written consent of the superintendent.

Section 5-7-6: Appeals; applicability of article to branch banks, etc.

If such consent is refused, an appeal may be taken therefrom to the circuit court of the county where such institution is located. This article shall apply to banks having branches and to any branch office thereof in the same way as it applies to other banks.

Section 5-7-20: Procedure for conversion of national bank, etc., into state bank.

Any bank organized under the laws of the United States may, by the vote of the stockholders owning not less than a majority of the capital stock of such bank with the approval of the superintendent and upon the payment by it to the superintendent of a fee prescribed by the banking board under section 5-5-13, be converted into a state bank with any name approved by the superintendent.

Section 5-7-21: Execution of articles of incorporation and organization certificate; powers of directors; etc.

In case of such conversion, the articles of incorporation and organization certificates may be executed by a majority of the directors of the bank and the certificate shall declare that the owners of a majority of the capital stock have authorized the directors to make such certificate and to exchange or convert the national bank into a state bank. A majority of the directors, after executing the articles of incorporation and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a state bank. The shares of any such bank may continue to be for the same amount each as they were before they were converted, and the directors may continue to be directors of the state bank until others are elected or appointed in accordance with the statutes of Alabama.

Section 5-7-22: Powers and duties of bank, stockholders, officers, etc., upon issuance of certificate by superintendent.

When the superintendent has given to such bank a certificate that the provisions of this article have been complied with, such bank and all its stockholders, officers and employees shall have the same powers and privileges and shall be subject to the same duties, liabilities and regulations, in all respects, as shall have been prescribed for banks originally organized as banking corporations under the laws of Alabama.

Section 5-7-23: Declaration of incorporation.

Before the issuing of such certificate by the superintendent a majority of the directors of such bank shall file in the office of the official or officials with which a certificate of incorporation would be filed under the business corporation laws of this state a declaration of incorporation, which shall show:

- (1) The name to be assumed and used by the corporation;
- (2) The objects of the corporation, among which shall be the conversion of a national bank with the name and description of the same, into a state bank with all the power and authority that may be exercised by a state bank;
- (3) The location of its principal office;
- (4) The amount of its total authorized capital and the amount of its paid-in capital;
- (5) The name and post office address of each officer and director;
- (6) The time limit, if any, for the duration of the corporation; and
- (7) A certificate, acknowledged before a notary public by a majority of the directors of the national bank so converted, that there has been transferred by the national bank, by a vote of the stockholders owning not less than a majority of the capital stock of such national bank, to such state bank into which it is converted, all the property and assets of said national bank.

Section 5-7-24: Issuance of stock by state bank.

Such state bank shall have authority to issue to the stockholders of the national bank from which it was converted shares of stock of the same amount and of the same par value as is held by each of said stockholders in such national bank.

Section 5-7-40: Authorized; exchange of stock.

Any state bank may, with the consent of the holders of a majority in amount of its stock obtained at a meeting of the stockholders called therefor, be converted into or consolidate with a national bank in such manner as may, at the time of such conversion or consolidation, be prescribed by the laws of the United States, and the stock of such state bank may be exchanged for stock in such national bank upon such terms as the consenting stockholders may, at the meeting at which the conversion or consolidation is authorized, determine or upon such terms as the holders of a majority of the stock of such state bank may, at any other meeting called for such purpose, determine.

Section 5-7-41: Meeting of stockholders for purpose of conversion or consolidation.

All meetings of stockholders, called for any of the purposes provided for in section 5-7-40, shall be called by resolution of the board of directors. Notice of such meeting and of the purposes thereof shall be published once a week for 30 days prior to the date of such meeting in some newspaper published in the city, town or village in which the principal place of business of said state bank is located, but if no daily or weekly newspaper is published in such place, then the publication shall be made in a newspaper published nearest thereto.

Section 5-7-42: Transfer of property of a state bank to national bank.

At the time when such conversion of or consolidation by the state bank with a national bank, under the charter of the latter, becomes effective, all the property of the state bank including all its rights, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or appertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer and without any further act or deed, be vested in and become the property of the national bank, which shall have, hold and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held and enjoyed by the state bank.

Section 5-7-43: Continuation of identity, obligations, etc., of state bank.

Upon such conversion or consolidation becoming effective, the national bank shall be deemed to be a continuation of the entity and of the identity of the state bank and all the rights, obligations and relations of the state bank to or in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in, or in respect to, any executorship or trusteeship or other trust or fiduciary function shall remain unimpaired. The national bank, as of the time of the taking effect of such change or consolidation, shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust or relation in the same manner as if the national bank had itself assumed the trust or relation, including the obligations and liabilities connected therewith. If the state bank is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust being administered under the laws of this state, such relation, as well as any other or similar fiduciary relations, and all rights, privileges, duties and obligations connected therewith shall remain unimpaired and shall continue into and in said national bank from and as of the time of the taking effect of such conversion or consolidation, irrespective of the date when any such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Nothing done in connection with the consolidation of a state bank with a national bank shall, in respect to any such executorship, trusteeship or similar fiduciary relation, be deemed to be or to effect, under the laws of this state, a renunciation or revocation of any letters of administration or letters testamentary pertaining to such relation, nor a removal or resignation from any such executorship or trusteeship or other fiduciary relationship, nor shall the same be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act.

Chapter 8—LIQUIDATION OF BANKS

Section 5-8-1: Liquidation of solvent banks.

Any solvent bank may dissolve under the provisions of Alabama law relating to voluntary dissolution of a business corporation provided that the superintendent has given his written approval to such dissolution. The superintendent may require the directors to give bond in an amount fixed by him with surety or sureties to be approved by him, payable to the State of Alabama, for the protection of the superintendent and all other persons interested; provided, however, the amount of any such bond required shall not be greater than the total liability of the bank to its depositors and other creditors. Upon receipt of the written approval of the superintendent of the statutory dissolution procedures, it shall be unlawful for said bank to receive any further deposits.

Section 5-8-20: Proceedings of superintendent before banking board as to defaults or misconduct of bank.

Whenever it shall appear to the superintendent that any bank has violated its charter or any law of the state, or is conducting business in any unauthorized manner, or if its capital is impaired and not made good under the requirement of the superintendent within the required time, or if any such bank or if any such bank or an affiliate of such bank as defined in section 5-3-1 shall refuse to submit its papers, books and concerns to the

and concerns to the inspection of the superintendent or any examiner, or if any officer thereof shall refuse to be examined on oath touching the conducting of any such bank, or if such bank shall suspend payment of its obligations, or if from any examination the superintendent shall have reason to conclude that such bank is in an unsound or unsafe condition to transact the business for which it was organized, or that it is unsafe for it to continue business, or if any such bank shall neglect or refuse to observe any order of the superintendent directing or requiring the doing or cessation of any particular thing required to be done or not to be done by law, the superintendent may call a meeting of the banking board and submit to said board matters of default or misconduct in the affairs of the bank, of which the bank shall have notice and upon which the bank may be heard in person or by counsel, and if said board or a majority of said board so directs, the superintendent shall forthwith take possession of the property and business of such bank and retain such possession until such bank shall resume business or a receiver appointed, as provided in this chapter.

Section 5-8-21: Liquidation of bank by superintendent without assent of banking board.

If a majority of the directors of any bank so request in writing and the bank has violated any of the provisions of the banking laws or is insolvent, the superintendent may take charge of and liquidate the affairs of the bank as provided in this chapter under 5-8-20 without calling a meeting of the banking board.

Section 5-8-22: Institution of civil action for vacation of charter, liquidation, etc. of bank.

The circuit court of the county in which the principal place of business of the bank is located, sitting without a jury may upon application of the superintendent vacate the charter of a bank, liquidate a bank, or appoint a receiver if the directors of the bank knowingly violate or knowingly permit any of the officers, agents or employees of the bank to violate any of the provisions of Title 5. No civil action shall be instituted by any other person to vacate the charter of or liquidate or appoint a receiver for any bank except as authorized in § 5-8-24.

Section 5-8-23: Acquisition of possession of property and business of bank by superintendent; notice to holders of bank assets.

The superintendent shall not take possession of the property and business of any bank under the provisions of this chapter unless requested in writing so to do by a majority of the directors of the bank under 5-8-21 or directed so to do by the banking board under section 5-8-20. On taking possession of the proper and business of any such bank, the superintendent shall give notice of such fact to all banks in this state and other parties or corporations known to be holding or in possession of any assets of such bank.

Section 5-8-24: Appointment of receiver to liquidate bank.

The superintendent may under his hand and official seal appoint a receiver to liquidate and distribute the assets of any bank taken possession of by the superintendent under the provisions of this chapter, the certificate of appointment to be filed in the office of the superintendent and a certified copy in the office of the probate judge in the county in which the principal office of such bank is located. The receiver may be the federal deposit insurance corporation or any other agency or corporation created by the United States to act in such capacity or any person selected by the superintendent; provided,

however, no examiner shall be appointed receiver of any bank whose books, papers and affairs he shall have examined within one year next preceding the appointment of such receiver. Any receiver shall apply for and shall be entitled to an ex parte order confirming his appointment as receiver from the receivership court.

Section 5-8-25: Passage of title to assets, etc., of banking institution to receiver.

Upon the appointment of a receiver to liquidate a bank, the possession of and title to all assets, business and property of such bank of every kind and nature shall pass to and vest in the receiver without the execution of any instruments of conveyance, assignment, transfer or endorsement.

Section 5-8-26: Use of bank examiner's reports in court in liquidation proceedings, etc.

In the event the superintendent takes charge of the business and affairs of any bank as authorized in this chapter or in the event a proceeding is instituted to forfeit the charter of any bank, the report of the examiner of such bank on file in the office of the superintendent or a copy thereof duly certified by the superintendent under his official seal, is admissible and may be used as evidence in any court, either by the superintendent, the banking board, any member or employee thereof, the receiver or the bank.

Section 5-8-27: Application by bank for injunction against acquisition of possession of business and property by receiver or superintendent.

Whenever the superintendent or a receiver has taken charge of the property or business of any bank, such bank may at any time within 10 days after the taking of such possession apply to the receivership court to enjoin further proceedings by the receiver or superintendent; and the court, after citing the receiver and superintendent to show cause why further proceedings should not be enjoined and hearing the allegations and proof of the parties and determining the facts, may, upon the merits, dismiss such application or enjoin the receiver or superintendent from further proceedings and direct him to surrender such business and property to such bank. Any such application for injunction may be heard at any time in the discretion of the receivership court after one day's notice from the time of service of process on the receiver and superintendent. If application is made to enjoin the proceedings of the receiver, the superintendent may intervene and become a party to such action as a matter of right.

Section 5-8-28: Creation of liens against bank after possession by superintendent.

After the superintendent has taken possession of the property and business of a bank as provided in this chapter, no judgment lien, attachment lien, or any voluntary lien, except as provided in this chapter, shall attach to any assets of said bank nor shall the directors, officers, employees or agents of such bank have authority to act on behalf of said bank or to convey, transfer, assign, pledge, mortgage, or encumber any assets thereof.

Section 5-8-29: Resumption of business of bank.

After the superintendent has taken possession of a bank, the superintendent may permit such bank to resume business upon such conditions as may be approved by him, including an observance of all the requirements of law and making good of all deficits in the previous observance of law.

Section 5-8-30: Collection of claims of bank, etc.

Upon taking possession of any of the property and business of any bank, the receiver may collect moneys due to such bank and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as provided in this chapter. The receiver shall collect all debts due and claims belonging to the bank, whether in this state or in any other state, and may proceed in courts of competent jurisdiction to enforce said claims in this state and in other states. "Claims" shall include any right of action against any surety, fidelity or insurance company, auditor or any past or present officer or director of such bank for mismanagement, violations of laws or regulations or other breach of duty. It shall be the duty of the receiver or his duly authorized agent to satisfy on the proper record all mortgages, judgments, security interests, or other liens held or owned by any insolvent bank that have been paid or satisfied.

Section 5-8-31: Subrogation of federal deposit insurance corporation.

Whenever any bank shall have been closed as provided under the laws of this state, and the federal deposit insurance corporation shall pay or make available for payment the insured deposit liabilities of such closed institution, the corporation, whether or not it shall have become receiver or liquidator of such closed bank, shall be subrogated to all rights against such closed bank of the owners of such deposits in the same manner and to the same extent as subrogation of the corporation is now or may be hereafter provided for by federal law in the case of the closing of a national bank; provided, that the rights of depositors and other creditors of such closed bank shall be determined in accordance with the applicable provisions of the laws of this state.

Section 5-8-32: Sale, etc., of bad debts and property of bank.

The receiver, by making application to the receivership court, may procure an order to sell or compound all bad or doubtful debts and on like order may sell all real and personal property of such bank on such terms as the court shall direct; provided, however, that the receiver shall have the right to ask for a blanket order from the receivership court for the settlement of all debts, claims of any and all nature, and deposits and for the sale of real and personal property wherein no single item exceeds the value of \$10,000. In all or any of such court proceedings, the bank shall be made a party by proper service of process issued from the court, and the hearing of any such application or petition of the superintendent may be had at any time after the bank has had five days' notice of the application; provided, however, the court may ex parte approve a purchase and assumption transaction as provided for in 12 U.S.C. § 1823(e) or a similar transaction authorized by federal law and provided further if notice of the hearing of said application is waived or the allegation of said application is admitted by the bank, no further proof will be required of the allegations of said application and the order may be forthwith granted by the court.

Section 5-8-33: Negotiation of loans, granting of security, etc. on behalf of closed bank.

(a) The receiver is authorized to borrow money and pledge the assets of a bank in liquidation for protecting and preserving its assets, for paying secured claims, for aiding in the reorganization or reopening of such bank or for making distribution to depositors and creditors when, in the judgment of the receiver, the borrowing of such funds would be to the interest of the depositors and creditors.

(b) For any loan negotiated under the authority vested by this article, the receiver may execute a note therefor, renew the same from time to time and do all things he considers necessary until the same has been paid. Such note or renewal or any mortgage or contract to be executed for the purpose hereof shall be signed by giving the name of the bank, followed by the words—"In liquidation," "By _____ (the name of the receiver) receiver." Any note or other contract executed for the purpose hereof shall be treated as the obligation of the bank and the holder thereof shall have the character of a creditor of the bank for the amount of any deficiency in the security furnished.

(c) To secure any such loan the receiver may pledge, mortgage, or grant a security interest in, by appropriate contracts or writings, any or all of the assets, real or personal, in his possession belonging to the bank for whose benefit the loan shall be obtained.

(d) Before closing the proposal to procure the loan, pledge, mortgage, or grant of a security interest in assets under subsections (a) and (c), the same shall be presented to the receivership court by petition, giving the court full information concerning desirability of making the loan and granting a security and such other matters as the receiver may desire, and the court may pass upon such petition with or without notice to the former directors or chief executive officer of the bank involved or to other parties in interest.

Section 5-8-34: Loans from and sale of assets to federal deposit insurance corporation for bank.

With respect to any bank which is now or may hereafter be closed as provided under the laws of this state, the receiver of such bank may borrow from the federal deposit insurance corporation and furnish any part or all of the assets of said bank to said corporation as security for a loan from same; provided, that where said corporation is acting as such receiver, the order of the receivership court shall be first obtained approving such loan. The receiver, upon the order of the receivership court which may be ex parte, may sell to said corporation any part or all of the assets of such bank. The provisions of this section shall not be construed to limit the power of the receivers to pledge or sell assets in accordance with any existing law.

Section 5-8-35: Assumption or rejection of executory contracts by receiver.

The receiver shall assume or reject an executory contract, including an unexpired lease of real or personal property, within sixty days after appointment, but the receivership court may for cause shown extend or reduce the time. Any such contract or lease not assumed or rejected within that time shall be deemed to be rejected. The receiver shall file within sixty days of his appointment, a statement under oath showing which, if any, of the contracts of the bank are executory in whole or in part, including unexpired leases of real or personal property, and which, if any, have been rejected by the receiver. Unless a lease of real or personal property expressly otherwise provides, a rejection of the lease or of any covenant therein by the receiver of the lessor does not deprive the lessee of his estate. A general covenant or condition in a lease that it shall not be assigned shall not be construed to prevent the receiver from assuming the same at his election and subsequently assigning the same; but an express covenant that an assignment by operation of law or the liquidation of a specified party thereto, or of either party shall terminate the lease or give the other party an election to terminate the same is enforceable. A receiver who elects to assume a contract

or lease of the bank and who subsequently with approval of the receivership court and upon such terms and conditions as the receivership court may fix after hearing upon notice to the other party to the contract or lease, assigns such contract or lease to a third person, is not liable for breaches occurring after the assignment.

Section 5-8-36: Employment of counsel, expert assistants, etc., in liquidation of bank; compensation of assistants, etc.; court approval of liquidation expenses.

The receiver may employ such counsel and procure such expert assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank and may retain such of the officers or employees of such bank as he may deem necessary. The receiver and such assistants as will have charge of any of the assets of the bank may be required to post such security for the faithful discharge of their duties as the receivership court may deem proper. The compensation of assistants and other employees and all expenses of supervision and liquidation shall be fixed by the receiver subject to the approval of the receivership court on notice to such bank.

Section 5-8-37: Payment of compensation.

When the compensation for the various parties aiding in the liquidation is fixed and approved, the same shall be paid out of the funds of such bank in the hands of the receiver and shall be a prior charge and lien on the assets of such bank.

Section 5-8-38: Deposit of funds collected by receiver.

The money collected by the receiver shall be, from time to time, deposited in one or more banks in this state.

Section 5-8-39: Notice for and filing of claims against bank.

The receiver shall cause notice to be given by advertisement in such newspaper as he may direct, once a week for six consecutive weeks; calling all persons who may have claims, but not including deposits or certificates of deposit shown by the books of the bank which shall be a prima facie proven claim against the bank, against such bank to present the same to the receiver and make legal proof thereof at a place and within a time to be specified in the notice, not less than 90 days from the day of the first publication of the notice. The receiver shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank.

Section 5-8-40: Preferred claims.

In addition to any other laws of this state or of the United States granting priority, any draft or cashier's check issued and drawn against actual existing value by any bank prior to its failure or closing and given in payment of clearings and any money paid in the usual course of business to any bank in payment of a draft for the bona fide transfer of funds shall be a preferred claim against the assets of the bank, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

Section 5-8-41: Inventory of assets of bank; filing list of claims.

Upon taking possession of the property and assets of such bank, the receiver shall make an inventory of the assets of such bank in duplicate, and upon expiration of time for rejection of claims, make a full and

complete list of claims in duplicate, specifying which claims have been rejected by him. A copy of the inventory and a copy of this list of claims shall be filed in the office of the receiver and one copy of each shall be filed in the office of the clerk of the receivership court. Such inventory and list of claims shall be open at all reasonable times to inspection.

Section 5-8-42: Objections to claims; provision for unproven or unclaimed deposits.

Objections to any claim or deposit not rejected by the receiver may be made by any party interested by filing a copy of such objections with the clerk of the receivership court and with the receiver, who shall present the same to the receivership court before the time of the next application to declare a dividend. The receivership court may make proper provisions for unproven or unclaimed deposits.

Section 5-8-43: Rejection of claims.

If the receiver doubts the validity of any claims or deposits, he may reject the same and serve notice of such rejection upon the claimant or depositor, either by mail or personally, and an affidavit of service of such notice, which shall be prima facie evidence thereof, shall be filed in the office of the receiver.

Section 5-8-44: Actions upon rejected claims; late claims.

Any action upon a claim so rejected must be brought by filing a complaint in the receivership court by the claimant within six months after service of such notice or the same shall be barred. Claims presented and allowed after the expiration of the time fixed in the notice to creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the receiver at the time such claims are filed, without allowance for previous distribution.

Section 5-8-45: Payment of claims.

At any time after the expiration of the date fixed for the presentation of claims, the receiver may, out of the funds remaining in his hands after the payment of expenses, declare and pay one or more dividends to creditors, and after the expiration of one year from the first publication of notice to the creditors to present claims, he may declare and pay a final dividend, such dividend to be paid to such persons and in such amounts and upon such notice as may be directed by the receivership court.

Section 5-8-46: Final distribution, termination of receivership and dissolution of bank.

Whenever the receiver shall have paid to each and every depositor and creditor of such bank whose claim or claims as such creditor or depositor shall have been duly proven and allowed the full amount of such claims and shall have made proper provisions for the unclaimed and unpaid deposits or dividends the receiver shall make application for final settlement including expenses of liquidation, to be approved by the receivership court and shall distribute the balance of any assets remaining ratably to the stockholders. Creditors shall not receive interest after the date of taking of possession by the superintendent. The receiver shall in said final settlement order be directed to file in the office of the judge of probate of the county in which the principal place of business of the bank was located and in the office of secretary of state a certificate of dissolution and the written approval of the superintendent to such dissolution; and said bank shall thereupon be dissolved. Any unclaimed funds in the hands of the receiver shall be transmitted by him to the state treasurer to be held as unclaimed property under the provision of Alabama Code sections 35-12-20 through 48.

Chapter 9—REORGANIZATION OF BANKS

Section 5-9-1: Cooperation of superintendent in reorganization of bank.

Whenever the board of directors or a majority of the stockholders of any bank shall request the superintendent to cooperate in a reorganization of such bank, because of a substantial impairment of the capital of such bank, the superintendent is authorized to do the following:

(1) To make or have made a careful appraisalment of the assets of the bank;

(2) If the appraisalment shows the capital to be impaired, to charge the stock down to its actual value, if it has any, and if the appraisalment shows the stock has no value, to charge off all capital, surplus and undivided profits and thereafter the rights and interests of such stockholders in any of the assets of the bank shall be subordinate to those of the creditors of the bank and the secured depositors to the extent of such security so held by such secured depositor;

(3) If the capital, surplus and undivided profits are not sufficient to take care of all losses, to prorate the remainder of the losses among the various depositors or common creditors;

(4) If found necessary, to set aside such portion of the assets of such bank to be either liquidated or delivered to creditors or depositors who may be disqualified under the law to participate in a reorganization, such portion to be the pro rata share of the assets which such disqualified creditors or depositors would be entitled to receive from the assets of the bank if the same were liquidated;

(5) To prepare a plan for the reorganization of such bank, including provisions for obtaining sufficient funds for capital purposes by the issuance of stock, such stock if necessary to be of different classes; and

(6) To submit such plan of reorganization, when prepared, to the board of directors of such bank which has made request for the cooperation of the superintendent for a reorganization.

Section 5-9-2: Submission of reorganization plan to court for confirmation and approval.

After such plan for reorganization has been submitted to the board of directors of the bank so making such request for a reorganization, the directors of such bank by and with the consent of seventy-five percent in value of the stockholders and seventy-five percent in value of the common creditors are authorized and empowered to make a report of such plan to the circuit court of the county in which the principal business office of the bank is located, such report to be accompanied by a petition for its confirmation and approval.

Section 5-9-3: Publication of reorganization plan.

Upon the filing of such report and petition, the court shall order notice to be given to all parties in interest by publication in some newspaper published in the county where the principal business office of such bank is located once a week for two consecutive weeks, which notice shall set forth substantially the plan of such reorganization and require all parties in interest to appear at a specified time either to consent to or protest against the plan for such reorganization.

Section 5-9-4: Hearing upon plan; entry of judgment.

At the time of the hearing of the petition, the court shall hear such legal evidence as may be submitted for and against such petition and plan for reorganization, and if the court is of the opinion it is for the best interest of all parties interested in such bank that the bank be reorganized in accordance with the plan set forth and submitted or in accordance with any modification of such plan determined upon by the court, such court shall so adjudge and enter a judgment fixing the rights of the parties in interest and adjudging that said plan or modification thereof be adopted and confirmed and that said bank be reorganized under and in conformity with such plan or modification thereof.

Section 5-9-5: Appeals.

If any stockholder, depositor or creditor shall not be satisfied with such judgment, he may file a notice of appeal to the supreme court of Alabama within 42 days from the day of entry of such judgment, provided he shall give security for cost of such appeal and indemnity in an amount to be fixed by the court, conditioned to pay such damages as the stockholders, depositors or creditors may sustain for a wrongful appeal or delay. Any such appeal shall be a preferred case in the supreme court and shall be set for hearing at the earliest possible date. If no such appeal is taken, the judgment of the circuit court shall be final, and said bank may lawfully be reorganized in accordance with the plan approved by the court.

Section 5-9-6: Manner of reorganization not exclusive.

A plan for reorganization of a bank or banks as provided in this chapter shall not be exclusive and shall not be construed to prohibit or prevent a reorganization of a bank as now permitted under existing laws.

Chapter 10—BANKING EMERGENCIES AND COMPLIANCE WITH
FEDERAL LAWS

Section 5-10-1: Authorization or direction of banks to segregate assets, renew loans, etc.

The superintendent with the concurrence of not less than two other members of the banking board, or any three members of the banking board without action by said superintendent, are hereby authorized and empowered, in addition to all other powers now conferred by law upon the superintendent or the banking board, or both, whenever in their judgment the circumstances warrant it, to authorize or direct any and all banks:

(1) To postpone for any length of time the payment of any proportion of deposit or other liabilities, demand and savings account liabilities and certificate of deposit liabilities to any individual, firm, corporation or entity as said state officials may deem necessary and expedient, to be determined by them according to any facts and conditions which in their opinion, for emergency or other reasons, require such action in each particular instance;

(2) To receive deposits to be classified by said state officials under rules and regulations as extended or modified under this chapter from time to time, each class of which shall be segregated from any other class, shall be subject only to such restrictions or limitations, if any, as may be imposed by said state officials and may be invested in such character of investments as may be authorized or approved from time to time by said state officials;

(3) To segregate particular assets for or towards the liquidation and discharge of particular deposit or other liabilities, or any specified percentage thereof, of said bank without proceeding with a receivership liquidation, under such rules and regulations with respect thereto as said state officials may deem proper for the protection of interested parties and, in such cases, to continue the operation of the business; and

(4) To make and renew loans from time to time in the ordinary course of banking business out of any assets available therefor.

Section 5-10-2: Promulgation of rules and regulations; requirements of reports, etc., generally.

The superintendent with the concurrence of not less than two members of the banking board, or any three members of the banking board without action by said superintendent may authorize and empower any bank to act under the provisions of this chapter, and they are empowered to make and adopt such rules and regulations from time to time and to extend, modify, suspend or terminate any part thereof from time to time as they may deem proper for the protection of interested parties and to require such periodical and other reports in detail with respect to operation under such rules and regulations as they may see fit.

Section 5-10-3: Declaration of banking holidays; promulgation of emergency rules or regulations.

Whenever, in the opinion of the superintendent it shall be deemed that an emergency exists, the superintendent with the concurrence of not less than two other members of the banking board, or any three members of the banking board without action by said superintendent, shall be authorized to declare and put into effect a bank holiday for such period as he or they may deem necessary or to promulgate or approve such emergency rules or regulations with respect to banking business, practices and transactions within the state or within any community or locality therein as shall, in his or their opinion, be deemed necessary. Such rules and regulations shall continue in force for such period as may be fixed by him or them in promulgating the same and until modified, suspended or terminated as provided in this chapter.

Section 5-10-4: Extension, etc., of banking holiday or emergency rules or regulations.

Any such bank holiday or any such rule or regulation may be extended, modified, suspended or terminated by the superintendent with the concurrence of not less than two other members of the banking board or by any three members of the banking board without action by said superintendent by signing and filing their written direction to that effect with the superintendent who shall thereupon forthwith proclaim and give effect to the same.

Section 5-10-5: Preceding sections applicable only in emergencies; duration of emergency action.

The provisions of Sections 5-10-1 through 5-10-4 authorize actions to be taken during an emergency. Any action taken pursuant to these actions shall be reported to the banking board and shall automatically terminate upon the expiration of 120 days unless such action is approved during that period by a majority of the banking board.

Section 5-10-7: Operation of banks under federal laws.

Any bank may do any and all things necessary or desirable to permit it to operate under the provisions of any act of congress of the United States now or hereafter enacted.

Section 5-10-8: Payment of expenses of bank operating without receivership liquidation.

Whenever, pursuant to any provision of this chapter, any bank is authorized to do any one or more of the things specified in this chapter without receivership liquidation, its operating expenses, including compensation to officers and employees, shall be payable as a first charge against all of its assets, subject to such proration thereof and such limitations as may be placed thereon from time to time by any rules and regulations made and adopted and extended or modified from time to time as in this chapter provided. Any such rules and regulations may permit any bank to make charges for any banking service performed by it and it shall be lawful for any bank to charge accordingly for services not in excess of the amount authorized by such rules and regulations.

Section 5-10-9: Segregation of assets—Manner of segregation generally; distribution of segregated assets upon receivership liquidation of bank.

Whenever pursuant to any provision of state or federal law or of any rule or regulation by any state or federal authority made or adopted pursuant thereto or whenever pursuant to contractual arrangement any bank is under duty or obligation to segregate particular assets for or towards the liquidation or discharge of particular liabilities or specified percentages of particular liabilities, such assets shall be segregated in such manner as to provide for the pro rata application of the proceeds thereof from time to time to the particular liabilities or percentage of particular liabilities for the purpose of which they are segregated without preference or priority of one liability over another and in accordance with the amounts of such particular liabilities as of the date of such segregation. Upon any receivership liquidation of any bank, the particular assets so segregated and any then remaining proceeds of any thereof shall, subject to expenses of liquidation, be distributable pro rata toward the particular liabilities or percentage of particular liabilities on account of which segregated, with proper adjustment for previous payments therefrom.

Section 5-10-10: Same—Manners of segregation.

Whenever pursuant to any provision of state or federal law or of any rule or regulation by any state or federal authority made or adopted pursuant thereto, or whenever pursuant to contractual arrangement any bank is under duty or obligation to segregate particular items or assets separate and apart from other items or assets, the same may be either segregated specifically and in kind in the possession of the bank but commingled within the class or amount for the purpose of which they are segregated, or converted into a deposit account separate from any general or other deposit account of such bank with a federal reserve bank or branch thereof, created and organized under an act of congress of the United States approved December 23, 1913, known as the Federal Reserve Act, as amended, or with any governmental agency hereafter created by act of congress of the United States authorized to receive such deposit accounts but commingled in such account within the class or amount for the purpose of which such deposit is made, or converted into a deposit account separate from any general or other deposit account of such bank with any one or more other banks or with any one or more banks

doing business outside of the state and members of the federal reserve system or any governmental agency hereafter created by act of congress of the United States authorized to receive such deposit accounts but commingled in such account within the class or amount for the purpose of which such deposit is made, or either or any one or more of the foregoing. Any such segregation shall be sufficient if made in any one or more of the manners above specified at or as of the close of business on any banking day.

Section 5-10-11: Same—Commingling of items in classes of deposits.

Within any class of deposits in any bank for the purpose of which class particular assets are segregated, the separate items may be mingled and commingled.

Section 5-10-12: Same—Adjustments; identification of segregated items.

Whenever any bank is required to segregate particular assets under any rule or regulation promulgated or extended or modified under this chapter, it shall accomplish such segregation as promptly as reasonably possible and shall at and as of the close of business on each banking day adjust such segregation to the additions thereto and withdrawals therefrom in accordance with rules and regulations promulgated, extended or modified from time to time under this chapter. Transfer orders as of the close of business each banking day shall be sufficient for the purposes of any such segregation or adjustment thereof. Any segregation made in accordance with the provisions of this chapter or in accordance with any rule or regulation promulgated, extended or modified under this chapter shall be sufficient identification of the items included in such segregation for all purposes.

Section 5-10-13: Discharge of deposits of script, clearinghouse certificates or emergency currency.

Any deposit of script, clearinghouse certificates or emergency currency in any form or of any order on any such deposit shall be dischargeable in whole or in part either in kind or in legal tender of the United States of a value no greater than the current exchange value of the script, clearinghouse certificates or emergency currency originally deposited at the time of the payment at the option of the bank accepting such deposit. Any other deposit shall be dischargeable when and as entitled to payment thereof or on account thereof only in legal tender of the United States as fixed by the laws of the United States in force and effect at the time of payment thereof or of payment on account thereof.

Section 5-10-14: Issuance and reissuance of script, clearinghouse certificates or emergency currency.

The superintendent with the concurrence of not less than two other members of the banking board, or any three members of the banking board without action by said superintendent may from time to time authorize any bank singly or by groups, to issue and reissue from time to time script, certificates, clearinghouse certificates or emergency currency in such form, under such restrictions and conditions, entitled to such lien on specific security therefor or without such lien and entitled to such rights and privileges as said state officials may authorize, approve or direct. The issue and reissue thereof shall be lawful and subject to no civil or criminal penalties or interest charges or taxation or additions to any kind thereto, notwithstanding any contrary provisions of the laws of this state.

Section 5-10-15: Issuance of notes or certificates of indebtedness as evidence of compensation for services or labor during banking emergency.

Where a banking emergency has been proclaimed by the superintendent and until such time as such emergency is declared to have ended by proclamation of the superintendent, it shall be lawful for the state or any political subdivision thereof and for merchants, manufacturers, public utilities and other business establishments in this state, whether conducted by an individual or individuals or under corporate charter, with the approval of the superintendent to issue as evidence of compensation for services or labor notes or certificates of indebtedness to their employees in convenient denominations, payable not more than 90 days after such proclamation shall be made, and none thereof shall be subject to any civil or criminal penalties or interest charges or taxation or additions thereto of any kind notwithstanding any contrary provisions of the laws of this state. The right of the state or any political subdivision thereof to issue notes in anticipation of the collection of taxes under any law now in force and effect shall not be impaired or affected by the provisions of this section.

Section 5-10-16: Authorization and approval of reorganization of bank without receivership liquidation.

The superintendent with the concurrence of not less than two other members of the banking board or any three members of the banking board without action by said superintendent are hereby further authorized and empowered to approve and authorize any bank to reorganize its business and affairs, without receivership liquidation, to such extent as may be deemed by them proper, and any reorganization so approved and authorized shall be lawful and effective; provided, that in no case shall the paid-in capital stock be permitted thereby to be reduced below the minimum amount now required by law.

Section 5-10-18: Compliance with chapter, federal laws, etc., not to entail liability.

No bank nor any surety or guarantor of any bank shall suffer any penalty or liability for damages or increase of liability or be in default, nor shall any maker, endorser, guarantor or other party or person be released from liability or obligation or be in default by reason of a bank's compliance with any action of any state official authorized or ratified by this chapter or compliance with any act of Congress of the United States now or hereafter enacted or with any rule or regulation promulgated by duly constituted officials of the United States.

Section 5-10-19: Officers not to incur liability or penalties for compliance with orders of superintendent, federal laws, etc.

No public officer or surety on his official bond shall suffer any penalty or liability for damages or increase of liability or be in default by reason of any failure on his part to perform any act or duty where such failure is due to compliance by any bank with any order or requirement of the superintendent or the banking board authorized or ratified by this chapter or with any act of congress of the United States now or hereafter enacted or with any rule or regulation promulgated by duly constituted officials of the United States.

Chapter 11—REGULATION OF TRUST BUSINESS OF BANKS AND TRUST COMPANIES

Section 5-11-1: Amenability of trust companies to banking laws; use of word "trust" in corporate name generally; operation of trust departments, etc., by banks.

All corporations organized and operating as trust companies shall have the word "trust" as a part of their corporate names, shall be amenable to the general banking laws of the state insofar as said laws are applicable to trust companies and not in conflict with the provisions of this chapter and shall be examined by the superintendent as state banks are examined. The word "trust" need not be a part of the corporate name of any corporation now or hereafter organized under the laws of this state to do a banking business and all such banks, although the word "trust" is not a part of their corporate names, shall have the right to operate and conduct a trust department, become trustees for any purpose, be appointed and act as executors, administrators, guardians and receivers and do any business and exercise any powers incident to the business of trust and banking companies doing banking business after the board of directors of the corporation shall have adopted an appropriate resolution and obtained the written approval of the superintendent authorizing the conduct and operation of a trust department, and a copy of such resolution and written approval certified to by the president and cashier of such bank under the corporate seal of such corporation shall have been filed in the office where the certificate of incorporation of the bank has been filed.

Section 5-11-2: Written approval of superintendent to conduct trust business.

No bank shall have the right to operate or conduct a trust department or become a trustee or a fiduciary without having received the prior written approval of the superintendent and otherwise complied with the preceding section, even though the certificate of incorporation of the bank might contain language covering such authority.

Section 5-11-3: Capital stock requirements for trust companies.

No trust company hereafter organized under the laws of Alabama shall have total initial capital accounts actually paid in of less than \$1,000,000.

Section 5-11-4: Use of word "trust" in corporate or partnership name.

No corporation which is not organized and operating as a trust company or as a bank or as a combined bank and trust company which has not complied with the requirements of sections 5-11-1 and 5-11-3 shall use the word "trust" as a part of its corporate name, and no such corporation shall use the word "trust" in connection with the business of said corporation with intent to give the impression that such corporation is organized and operating as a trust company in accordance with the provisions of sections 5-11-1 and 5-11-3. Any corporation violating any of the provisions of this section shall thereby make void the organization of such corporation, and its stockholders shall thereupon become liable as partners. No limited partnership or other partnership shall use the word "trust" as part of its name.

Section 5-11-5: Deposit of security for operation of trust business—amount required and form; charges against deposit.

Any corporation organized and operating as a trust company or as a bank authorized by law to do a trust business may deposit with the state treasurer or elsewhere United States bonds, bonds, notes or debentures of any federal agency such as a federal land bank, banks for cooperatives, farm home administration, Federal National Mortgage Association, etc., Alabama bonds, bonds of any city or county in the state of Alabama or mortgages which are first liens on real estate, worth in each case double the face of the mortgage, situated in this state, to an amount not less than \$25,000.00, and

may increase said deposit from time to time or reduce the same to an amount not less than \$25,000.00, or may withdraw the deposit entirely, provided such trust companies or banks have made final settlement and accounted for all assets in their possession and under their control by reason of any appointment under this chapter. Immediately upon the appointment of any bank or trust company to act as guardian, administrator, executor, receiver or trustee or other fiduciary by the judge of any court in this state, under section 5-11-9, said judge shall certify such appointment under his seal of office to the state treasurer, giving the name and amount of assets of the estate or cestui que trusts; and, upon receipt of said certificate, the state treasurer shall charge against any deposit the liability under said appointment.

Section 5-11-6: Same—State treasurer to decline certain bonds or securities.

The state treasurer shall decline to receive bonds or other securities of a market value less than par and may, in his discretion, decline to receive any bonds or other securities that he considers unsafe or unsuitable for the purpose.

Section 5-11-7: Same—Certificate of deposit; purpose.

The state treasurer shall, from time to time, furnish the company making such deposit with a proper certificate showing the fact of the deposit and containing an exact description of the bonds or other securities deposited. Such deposit is to secure the payment of all liabilities of the company making the deposit as a guardian, administrator, executor, receiver, trustee or other fiduciary under appointment of any court of this state where the company has claimed exemption from giving bond by reason of having this deposit, and all such liabilities shall constitute a first claim on said bonds or other securities deposited as against all other liabilities of said company.

Section 5-11-8: Sale of bonds or securities for satisfaction of judgment against trust company.

When any person, firm or corporation has established by final court proceedings a claim against said company to secure which said bonds or other securities were deposited and said claim is not paid within 30 days by said company, the state treasurer shall proceed forthwith to sell a sufficient number of said bonds to pay the judgment against said company and pay said judgment by paying the amount to the proper official of the court wherein said judgment exists.

Section 5-11-9: Exemption of trust companies, etc., acting as administrators, etc., from bond requirement.

Any trust company or bank which is authorized by law to act as a guardian, administrator, executor, receiver or trustee, except as may be otherwise provided in this Code for the administration of the affairs of war veterans, under appointment of any court of this state, and which maintains the deposit provided for in section 5-11-5, shall be entitled as a matter of right to exemption from giving bond before receiving authority to act in any of the above capacities, provided its aggregate liabilities, to secure which said bonds or other securities are deposited, do not exceed five times the par value of said securities. When such company desires exemption from giving any such bond, it shall file with the officer who would otherwise require such bonds a sworn statement showing the amount in value of the bonds or other

securities on deposit with the state treasurer, and that the liabilities of the company protected by such deposit do not exceed five times the par value of said bonds or other securities, together with a certificate from the state treasurer showing the amount of such deposit.

Section 5-11-10: Withdrawal of bonds or securities from deposit with trustees.

All trust companies organized under the laws of this state which are now required by their charters to keep on deposit with trustees any bonds, stocks or other securities to be held subject to the payment of any judgment which may be rendered against said companies may, upon making a deposit of securities in accordance with the provisions of section 5-11-5 withdraw from the custody of said trustees said bonds, stocks or other securities so deposited with said trustees and shall not thereafter be required to maintain any such deposit with trustees, any provisions of the charter of said companies to the contrary notwithstanding.

Section 5-11-11: Interest on bonds or securities deposited with treasurer payable to trust companies.

The interest falling due from time to time on bonds or other securities on deposit with the state treasurer in accordance with section 5-11-5 shall be payable to the corporation depositing such bonds or other securities, and the treasurer may send to such corporation a reasonable time before each interest period the coupons or interest note representing the interest to become due at such interest period.

Chapter 12—ADMINISTRATION, ETC., OF COMMON TRUST FUNDS

Section 5-12-1: Definitions.

As used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **TRUST INSTITUTION.** Any state bank, any national bank or any trust company authorized to act in a fiduciary capacity in this state and under the supervision of the comptroller of the currency of the United States or the federal reserve system, or the superintendent of banks of the state of Alabama.

(2) **AFFILIATED TRUST INSTITUTION.** A trust institution which, together with one or more other trust institutions, are each owned or controlled by a bank holding company which is under the supervision of the board of governors of the federal reserve system.

(3) **OWNED OR CONTROLLED.** The ownership by a bank holding company of stock possessions of at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock (other than nonvoting stock which is limited and preferred as to dividends) of the trust institution.

(4) **FIDUCIARY.** Any trust institution or person acting in the capacity of executor, administrator, administrator with the will annexed, administrator de bonis non, guardian, testamentary trustee, trustee appointed by any court and trustee, agent or custodian under any written agreement, declaration or instrument of trust, either solely or together with others.

(5) **COMMON TRUST FUND.** A fund established, maintained and administered pursuant to the requirements of this chapter by a trust institution exclusively for the collective investment and reinvestment of moneys contributed thereto by such trust institution in its capacity as a fiduciary or cofiduciary or by an affiliated trust institution in its capacity as a fiduciary or cofiduciary.

(6) **ESTATE OR ESTATES.** Such term shall include any trust, estate or fund administered by a trust institution in a fiduciary capacity.

(7) **PARTICIPATION.** The interest of a participating trust in the common trust fund.

(8) **PARTICIPANT.** Any trust, estate or fund administered by a trust institution in a fiduciary capacity having a "participation."

(9) **SECURITY OR SECURITIES.** Such term shall include all types of property in which the trust institution is authorized to invest the assets of the common trust fund.

Section 5-12-2: Trust institutions may establish, etc., common trust funds.

Any trust institution may establish, maintain and administer one or more trust funds.

Section 5-12-3: Investments by trust institutions.

Any trust institution, in its capacity as fiduciary or cofiduciary, whether such fiduciary capacity arose before or was created after July 8, 1943, may invest funds which it lawfully holds for investment in such capacity in interests or participation in one or more common trust funds, if such investment is not prohibited by the instrument, judgment, decree or order creating the fiduciary relationship and if, in the case of cofiduciaries, the trust institution procures the consent of its cofiduciary or cofiduciaries to such investment.

Section 5-12-4: Common trust fund plan.

Each common trust fund shall be established and maintained in accordance with a written plan (referred to herein as the plan) approved by resolution of the board of directors of the trust institution and approval in writing by competent legal counsel. The plan shall provide that the common trust fund shall be administered under the laws of this state and of the United States and in conformity with the rules and regulations promulgated from time to time under authority of such laws and shall contain full and detailed provisions, not inconsistent with the provisions of this chapter, as to the manner in which the common trust fund is to be operated, the investment powers with respect to the common trust fund, the allocation and apportionment of income, profits and losses, the terms and conditions governing the admission or withdrawal of investments or participations in the common trust fund, the auditing and settlement of accounts of the trust institution with respect to the common trust fund, the basis and method of valuing securities in the common trust fund, the basis upon which the common trust fund may be terminated and such other matters as may be necessary to define clearly the rights of participants in the common trust fund. A copy of the plan shall be available at the principal office of the trust institution for inspection during all regular business hours to any person having an interest in a participation in the common trust fund. The plan may or may not provide for the amortization of the premium upon bonds or other obligations, the disposition of discounts and profits and the allocation of the same to principal or

income accounts or the apportionment of the same between principal and income accounts, the establishment and maintenance of a reserve out of current interest from mortgage investments against which realized losses on mortgages may be charged and other like matters. The provisions of the plan shall control all participants therein and the rights and benefits of all persons interested in such participations as beneficiaries or otherwise.

Section 5-12-5: Amendment of plan.

The plan may be amended from time to time by the fiduciary with the approval of the board of directors of the trust institution. Any such amendment shall be filed with the original plan, together with a certified copy of the resolution of the board of directors of the trust institution approving the same.

Section 5-12-6: Control of investments by instrument under which trust institution acts.

If the instrument under which a trust institution acts as fiduciary, whether such fiduciary capacity arose before or is created after July 8, 1943, shall either expressly or by its silence limit or restrict the investment of moneys of the estate and securities to the class authorized by law as legal investments, the trust institution may, in its capacity as sole fiduciary or with the consent of any person acting with it in a fiduciary capacity, invest and reinvest moneys of the estate in any such common trust fund maintained by the trust institution or by an affiliated trust institution, provided, the securities composing such fund consist solely of securities of the class authorized as legal investments for funds held by a fiduciary. If the instrument under which the trust institution acts as fiduciary, whether such fiduciary capacity arose before or is created after July 8, 1943, shall authorize investments of moneys of the estate in a common trust fund or in investments other than those designated by law as legal investments or shall authorize the trust institution, either alone or in conjunction with any person acting with it in a fiduciary capacity, to exercise its or their discretion with respect to the investment of moneys of the estate, the trust institution may, in its capacity as sole fiduciary or with the consent of any person acting with it in a fiduciary capacity, invest and reinvest moneys of the estate in any such common trust fund maintained by it or by an affiliated trust institution. Any such common trust fund consisting solely of moneys of estates contributed thereto by the trust institution pursuant to authority contained in any such instrument creating the fiduciary capacity to invest moneys of the estates in a common trust fund or in investments other than legal investments or pursuant to such discretionary powers with respect to the investment of moneys creating the fiduciary capacity may be composed of investments other than those of the class designated by law as legal investments for funds held by fiduciaries. In order to determine whether the investment of funds received or held by a trust institution as fiduciary in a participation in a common trust fund is proper, the trust institution may consider the common trust fund as a whole and shall not, for example, be prohibited from making such investment because any particular assets is nonincome-producing.

Section 5-12-7: Investment of estate moneys in fund; withdrawals.

The trust institution shall invest the moneys of an estate (whether the estate is administered by such trust institution or by an affiliated trust institution) in such common trust fund by adding the same thereto and by apportioning a participation therein to such estate in the proportion that the moneys of the estate added thereto bears to the aggregate value of all the

securities of such fund at the time of such investment, including in such securities the moneys of the estate so added. The withdrawal of a participation of such common trust fund shall be on the basis of its proportionate interest in the aggregate value of all the securities of such fund at the time of such withdrawal, as hereinafter provided. The participating interest of any estate in such common trust funds may, from time to time, be withdrawn in whole or in part by the trust institution administering the estate and shall be withdrawn within a period of three months following the written request so to do of any person acting with the trust institution administering the estate in a fiduciary capacity. Funds for the purpose of any withdrawal shall be made promptly available by the trust institution through sale of securities of the common trust fund. Upon such withdrawals, the trust institution may make distribution in cash or ratably in kind or partly in cash and partly in kind; provided, that all such distribution as of any one time shall be made on the same basis.

Section 5-12-8: Record of fiduciary accounts owning interest in fund; extent of interest.

The trust institution shall designate clearly upon its records the names of the fiduciary accounts which own a participation in the common trust fund and the extent of the interest of such fiduciary accounts therein. No fiduciary account owning or holding an investment or participation in a common trust fund shall be deemed to have individual ownership of any asset in such common trust fund, but should be deemed to have only a proportionate undivided interest in the common trust fund.

Section 5-12-9: Annual audit.

At least once during each period of 12 months, the trust institution shall cause an audit to be made of the common trust fund by an auditor or auditors responsible only to the board of directors of the trust institution. The report of such audit shall include a list of the investments comprising the common trust fund at the time of the audit, which shall show the valuation placed on each item as of the date of the audit, a statement of purchases, sales and any other investment changes and of all income and disbursements during the period to which the audit relates. The period of the first audit shall commence with the establishment of the common trust fund, and each succeeding audit shall commence at the end of the period covering the preceding audit. The reasonable expense of any such audit may be charged to the common trust fund, and a copy of such audit shall be available at the principal office of the trust institution for inspection during all regular business hours to any person having an interest in a participation in the common trust fund; provided, that the trust institution shall be required to furnish a copy of such audit to any person having a share in the investments of the common trust fund without expense to such person should the interested person request a copy of such audit.

Section 5-12-10: Quarterly valuation of securities in fund.

No less frequently than once during each period of three months, the trust institution administering a common trust fund shall determine the value of the securities in the common trust fund as of the dates set for the valuation thereof. No participation shall be admitted to or withdrawn from the common trust fund, except (1) on the basis of such valuation and (2) as of such valuation date.

Section 5-12-11: Management and control of fund; ownership of assets.

The trust institution shall have the exclusive management and control of each common trust fund administered by it and the sole right at any time to sell, convert, exchange, transfer or otherwise change or dispose of the assets comprising the same. The ownership of such assets shall be solely in the trust institution as fiduciary and shall be considered as assets held by it as fiduciary. A trust institution shall not invest any of its own funds in a common trust fund administered by it or by an affiliated trust institution; and, if the trust institution, because of a creditor relationship or any other reason, acquires any interest in a participation in such common trust fund, the participation shall be withdrawn on the first date on which such withdrawal can be effected; however, in no case shall an unsecured advance to a participant until the time of the next withdrawal be deemed to constitute the acquisition of an interest by a trust institution. A trust institution may charge a fee for the management of a common trust fund administered by it; provided, that the fractional part of such fee proportionate to the interest of each participant shall not, when added to any other compensations charged by the trust institution or by an affiliated trust institution to the participant, exceed the total amount of compensations which would have been charged to said participant if no assets of said participant had been invested in participations in the common trust fund.

Section 5-12-12: Mistakes in administration of fund.

No mistake made in good faith and in the exercise of due care in connection with the administration of a common trust fund shall be deemed to be a violation of this chapter or of any rules or regulations issued pursuant thereto if promptly after discovery of the mistake the trust institution takes whatever action may be practical in the circumstances to remedy the mistake.

Section 5-12-13: Administration, etc., of common trust funds differing from funds permitted by chapter.

Nothing contained in this chapter shall prohibit a trust institution, when it acts in accordance with specific authority contained in the instrument of instruments under which the trust institution acts, from establishing, maintaining, administering and investing in, without regard to the requirements and limitations of this chapter, one or more common trust funds differing from the common trust funds expressly permitted by this chapter.

Section 5-12-14: Accountings.

Unless ordered by a court of competent jurisdiction, a trust institution administering a common trust fund shall not be required to render a court accounting with regard to such fund, but it may file returns and make accountings in the same manner and for the same purposes as is provided by law for other fiduciaries.

Section 5-12-15: Taxation.

A common trust fund (whether established, maintained and administered pursuant to the requirements of this chapter or established, maintained, administered and invested in without regard to the requirements and limitations of this chapter, as provided in section 5-12-13) shall not be subject

to taxation under any income tax law of the state of Alabama. Each participant having a participating interest in such common trust fund in computing its net income for state income tax purposes shall include, whether or not distributed and whether or not distributable, (1) its proportionate share of any taxable net income or loss of such common trust fund, and (2) its proportionate share of any taxable gain or loss realized on the sale or exchange of property by such common trust fund. In reporting the share of such income or of such gains or losses on sale or exchange of property of such common trust fund, each participant shall show its proportionate part of each classification thereof which may for tax purposes be accorded different treatment so as to receive the same treatment as if such income or gains or losses had been realized directly by such participant. No gain or loss shall be realized by the common trust fund or by any other participant by the admission or withdrawal of a participant. The withdrawal of any participant shall be treated as a sale or exchange by such participant of the interest withdrawn, after adjustment of cost basis to reflect its proportionate part of gains or losses realized on the sale or exchange of property of the common trust fund previously reported by such participant. Every trust institution maintaining a common trust fund shall make a return under oath for each fiscal year, stating specifically with respect to such fund the items of gross income and the deductions allowed by law, and shall include in the return the names and addresses of the participants entitled to share in the net income of such fund and the amount of the proportionate share of each. If the fiscal year of the common trust fund is different from that of a participant, the inclusions with respect to the net income of the common trust fund, in computing the net income of the participant for its taxable year, shall be based upon the net income of the common trust fund for any fiscal year of the common trust fund ending within the taxable year of the participant.

Chapter 13—EFFECTIVE DATE AND TRANSITION PROVISIONS

Section 5-13-1: Inconsistent Provisions in Other Laws Superseded.

Insofar as the provisions of this Act are inconsistent with the provisions of any other law, general or special, the provisions of this Act shall be controlling.

Section 5-13-2: Severability.

If any clause, sentence, paragraph, section or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5-13-3: Specific Repealer.

The following sections and all amendments thereto and all other sections and parts of sections in the code of Alabama, 1975 inconsistent herewith are hereby repealed:

5-1-1 through 5-1-40; 5-2-1 through 5-2-16, 5-2-30, 5-2-40 through 5-2-45, 5-3-1 through 5-3-16, 5-4-1 through 5-4-6, 5-5-1 through 5-5-19, 5-6-1 through 5-6-3, 5-6-20 through 5-6-29, 5-7-1 through 5-7-5, 5-8-1 through 5-8-7, 5-9-1 through 5-9-6, 5-9-20 through 5-9-24, 5-9-24, 5-9-40 through 5-9-43, 5-10-1 through 5-10-7, 5-10-20 through 5-10-56, 5-11-1 through 5-11-6, 5-12-1 through 5-12-6, 5-13-1 through 5-13-19, 5-14-1 through 5-14-11, 5-15-1 through 5-15-15.

Section 5-13-4: Effect of Repeal of Prior Acts.

The repeal of a prior act by this Act shall not impair, or otherwise affect, the organization or the continued existence of an existing bank. Nor shall the repeal of a prior act by this Act affect any right accrued or established, or any liability or penalty incurred, or the construction of the certificate of incorporation or charter of any bank organized before the enactment of this Act, or the determination of the rights and interests of any of its shareholders or creditors, under the provisions of such prior act before the repeal thereof.

Section 5-13-5: Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

QUORUM CALL REQUESTED

At 4:05 P.M., Mr. Robertson requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs.:	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	Miller	Smith
Callahan	Harrison	Mitchem	Taylor
Cook	Higginbotham	Parsons	Teague
deGratzenried	Holmes	Pearson	Vacca
Denton	Kirkland	Proctor	White
Figures			

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FURTHER CONSIDERATION OF S.B. 43

The Senate proceeded to further consideration of the Bill, S. B. 43, as amended. The question was on the substitute offered by Mr. White.

Mr. St. John moved that the Bill, S. B. 43, as amended, and pending substitute, be postponed temporarily, which motion was lost.

Mr. St. John then moved that further consideration of the Bill, S. B. 43, as amended, and pending substitute, be postponed until the next Legislative Day as Unfinished Business, which motion was lost.

Mr. St. John then moved that further consideration of the Bill, S. B. 43, as amended, and pending substitute, be postponed until the next Legislative Day.

Mr. Gulledge moved that said motion be laid on the table, which motion was lost.

Yeas 9; Nays 21.

Yeas:

Messrs.:	Gulledge	Lemaster	Weeks
Callahan	Harrison	Robertson	White
Cook	Kirkland		

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Nays:

Messrs.:	Hall	Miller	St. John
Bailey	Higginbotham	Mitchem	Smith
Barron	Holmes	Parsons	Taylor
Clemon	Keener	Pearson	Teague
Denton	Little	Proctor	Vacca
Goodwin	Martin		

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And said motion to postpone the Bill, S. B. 43, as amended, and pending substitute, until the next Legislative Day was then adopted by the Senate.

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the second item of Unfinished Business for today, which was the Bill:

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

The question was on the Committee substitute, which said substitute is set out in the Journal of the Senate for the Sixth Legislative Day.

On motion of Mr. Little, said substitute was laid on the table.

Mr. Little offered the following substitute for the Bill, S. B. 116, to-wit:

SUBSTITUTE FOR S. B. 116

A BILL
TO BE ENTITLED
AN ACT

To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 43-3-1 of the Code of Alabama 1975, is hereby amended to read as follows:

"Section 43-3-1. The real estate of persons dying intestate, as to such estate descends, subject to the payment of debts and charges against the estate as follows:

"(1) Subject to the widow's dower, to the children of the intestate, or their descendants, in equal parts.

"(2) If there are no children or their descendants, then to the father and mother, in equal parts the whole to the husband or wife of the intestate.

"(2) (3) If there are no children or their descendants, and if then be but one surviving parent, then one half to such surviving parent, and the other half to the brothers and sisters of the intestate, or their descendants, no husband or wife, then to the father and mother, in equal parts.

"(3)(4) If there are no children or their descendants, no husband or wife, and if there be but one surviving parent, then one half to such surviving parent, and the other half to the brothers and sisters of the intestate, or their descendants, in equal parts.

"(4)(5) If there are no children or their descendants, no husband or wife, no brothers or sisters or their descendants, and if there be but one surviving parent, then the whole to such surviving parent.

"(5)(6) If there are no children or their descendants, no husband or wife, and no father or mother, then to the brothers and sisters of the intestate, or their descendants, in equal parts.

"(6) If there are no children or their descendants, no father or mother, and no brothers or sisters or their descendants, then the whole to the husband or wife of the intestate.

"(7) If there are no children or their descendants, no husband or wife, no father or mother, and no brothers or sisters or their descendants, and no husband or wife, then to the next of kin to the intestate, in equal degree, in equal parts.

"(8) If there are no children or their descendants, no husband or wife, no father or mother, no brothers or sisters of their descendants, no husband or wife, and no next of kin to the intestate, then to the next of kin of the intestate's predeceased spouse in the same order of priority as provided for descent to the kin of the intestate.

"(9) If there are no children or their descendants, no husband or wife, no father or mother, no brothers or sisters or their descendants, no husband or wife, and no kin capable of inheriting, then it escheats to the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Figures offered the following amendment to the substitute for the Bill, S. B. 116, to-wit:

AMENDMENT TO THE SUBSTITUTE FOR S. B. 116

Amend Little substitute for Senate Bill No. 116, Page 1, Line 32, by striking out the period after the word "intestate" and adding a semi-colon in lieu of the period and adding the words "provided that the surviving spouse shall not be entitled to take under this act if he or she has abandoned and lived continuously apart from the deceased for a period of time exceeding twelve calendar months immediately preceding the death of the intestate."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Keener	Mitchem	Weeks
deGraffenried	Lemaster	Parsons	White.
Glass			

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Nays: —0

And said Bill, S. B. 116, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Hall	Martin	St. John
Clemon	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks.
Figures	Keener		

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Nays: —0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Also:

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Also:

S. J. R. 46. HONORING J. MICHAEL SPROTT, 1979 MAN OF THE YEAR IN SERVICE TO ALABAMA AGRICULTURE.

Also:

S. J. R. 47. COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

Also:

S. J. R. 51. MOURNING THE DEATH OF ROBERT D. BURGESS, PROMINENT COVINGTON COUNTY BUSINESS AND CIVIC LEADER.

Also:

S. J. R. 55. HONORING JOHN HOWARD ANDERSON FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 62. COMMENDING LIEUTENANT COLONEL KARL-HEINZ ROEPER FOR MERITORIOUS SERVICE WITH THE U.S. ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions. The titles of which are set out in the foregoing report from the Committee on Rules.

MOTION IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 89, on page 69 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 89, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the third item of Unfinished Business for today, which was the Bill:

S. 221. Proposing a further amendment to Amendment No. 225 of the Constitution of 1901; and providing for the revenues resulting from such repealer.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis, Dixon, Smith (C), Amari, Bowling and Bennett:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Also:

By Rep. Dial:

H. 136. To regulate certain marine dealership practices in the State of Alabama.

Also:

By Rep. Albright:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 230. To the Committee on Education.

H. B. 136. To the Committee on Judiciary.

H. B. 266. To the Committee on Agriculture, Conservation and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Payne (with notice and proof):

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 69, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Ford, Dial and Barton:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Also:

By Reps. Ford, Dial and Barton:

H. 60. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

Also:

By Reps. Dial, Ford and Barton:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 69, 58, and 61. To the Committee on Governmental Affairs.

H. B. 60. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee:

H. 262. To require reimbursement to the municipality or county and state which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

Also:

By Rep. Patton:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

Also:

By Rep. Ray:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

Also:

By Rep. Ray:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama 1975, to fix the salaries of all Commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

Also:

By Rep. Ray:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 262. To the Committee on Finance and Taxation.

H. B.'s 265, 142, 143, and 144. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bennett and Amari:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 41. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dial, Ford and Barton:

H. 62. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Also:

By Reps. Dial, Ford and Barton:

H. 64. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 62 and 64. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Albright:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

Also:

By Reps. Warren and McMillan:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 267 and 292. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

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By Rep. Turnham:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 97. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dixon and Bedsole:

H. 68. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations or comparable standardized test determined by the State Board of Education, and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 68. To the Committee on Education.

ADJOURNMENT

At 5:05 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 221, the Senate adjourned until Thursday, March 27, 1980, at 12 o'clock Noon.

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SEVENTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 27, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Lamar Brown, Pastor, St. James United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. deGraffenried:

S. 495. To provide for a state income tax check-off designation for the support of nongame wildlife programs in Alabama.

Committee on Finance and Taxation.

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By Mr. Vacca:

S. 496. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

Committee on Governmental Affairs.

By Messrs. Taylor, Goodwin, Higginbotham, Weeks, Denton, Keener, Bailey, Martin and Mitchem:

S. 497. To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of 79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

Committee on Health and Welfare.

By Mr. Robertson:

S. 498. To further provide for payroll deductions for state employees.

Committee on Finance and Taxation.

By Mr. Robertson:

S. 499. To provide twenty-five dollars per month for each retired educator to be used for hospital-medical insurance; to appropriate \$5,040,000 from the Alabama Special Educational Trust Fund; to provide for the system of payment.

Committee on Finance and Taxation.

By Mr. Little:

S. 500. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Committee on Finance and Taxation.

By Mr. White:

S. 501. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Committee on Judiciary.

By Mr. Teague (with notice and proof):

S. 502. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 502, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 503. Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 503, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. McDonald and Smith (with notice and proof):

S. 504. To supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 504, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. McDonald and Smith:

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

Committee on Finance and Taxation.

By Messrs. Smith and McDonald:

S. 506. To amend Section 8-8-5, Code of Alabama 1975, which provides for the maximum rate of interest upon loans of \$100,000.00 or more made to individuals, non-profit corporations, partnerships, or associations so as to include trustees and business trusts within the purview of this section; and provides for its retroactive effect.

Committee on Banking and Insurance.

By Messrs. Mitchem, Little, Denton, Britnell, Parsons, Keener, Holmes, deGraffenried, Proctor, Teague, Miller, Bailey, Martin, Gullette, Hall, Harrison, Robertson and Kirkland:

S. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 143. REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Governor, upon written approval of the Chief Justice of the Alabama Supreme Court, donate any surplus books owned by the state to various law schools located in this state to which qualified members of the public may attend upon acceptance by any such school, or to any other institute of higher learning.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Fob James with a copy also provided for the Chief Justice of the Alabama Supreme Court.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Parsons, the Rules were suspended and the Resolution, H. J. R. 143, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 207, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 25th day of March, 1980.

To The Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 207 without my signature and approval and with the following suggested Executive Amendments. The first would limit the application of this bill to Talladega County and insure that the bill would indeed be a local

bill in its effect. Also, the provision that would "require" any other television cable service in the state to interconnect with the Lincoln System is eliminated, and the provision that would subject any failure to agree with such a request for interconnection to the jurisdiction of the Alabama Public Service Commission is likewise eliminated.

In Section 2, Line 36 following the word "territory" add the words "within Talladega County."

In Section 6, Line 25 following the word "right", remove the words "to require" and add in lieu thereof the words "to agree with". Also in Section 6, Line 32 following the word "subscribers." remove the words "In the event such" and delete lines 33 through 38 in their entirety.

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 207. *Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.*

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 25; Nays 0.

Yeas:

Messrs.:
Bailey
Barron
Britnell
Callahan
Clemson
Cook

Denton
Figures
Glass
Goodwin
Gulledge
Hall
Holmes

Kirkland
Little
McDonald
Miller
Mitchem
Parsons

Proctor
St. John
Smith
Teague
Weeks
White

—25

Nays:

—0

Which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 207, as thus amended by the Executive amendment, was again read at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	McDonald	Smith
Britnell	Goodwin	Miller	Teague
Callahan	Gulledge	Mitchem	Weeks
Clemon	Hall	Parsons	White
Cook	Holmes		

—25

Nays:

—0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Parker, Kennedy, Buskey, Clark (W), Harper (T), Bedsole, McMillan, Sandusky, Stewart, Turner and McCorquodale:

H. J. R. 148. ENCOURAGING CONTINUED AND INCREASED USE OF THE ALABAMA STATE DOCKS SYSTEM BY DOMESTIC BUSINESS AND INDUSTRY IN ALABAMA.

WHEREAS, the Alabama State Docks System is of inordinate economic benefit not only to our coastal area but to the entire State of Alabama as well; and

WHEREAS, monies received through fees and charges for use of Alabama's port facilities total millions of dollars annually, and these receipts are used to maintain, improve and foster growth of an industry vital to our state's economic stability; and

WHEREAS, continued growth of the State Docks System is dependent in large part upon increased usage by domestic business and industry in the State of Alabama; income derived from operation of the docks is money that is spent in Alabama, remains in Alabama, and is an investment in the future of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body, in unity, does hereby encourage those businesses and industry in Alabama which use port facilities to continue giving first consideration to the Alabama State Docks System.

BE IT FURTHER RESOLVED, That officials of all Alabama municipalities and counties give their support to this resolution through encouraging use of the State Docks System by business and industry domiciled in their respective locales.

RESOLVED FURTHER, That a copy of this resolution be sent to the Alabama Development Office that it may be circulated, statewide, through publication in an issue of ADO's monthly bulletin.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 148, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 109. Changing the name of Old Jim Williams Road in Madison County to Jim Williams Road.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the road in Madison County known as the Old Jim Williams Road is hereby designated and named the Jim Williams Road.

BE IT FURTHER RESOLVED That the City of Huntsville and the Madison County Commission is hereby requested to place appropriate markers thereon.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sasser and Williams:

H. J. R. 147. NAMING THE NEW ELEMENTARY SCHOOL BUILDING AT ARITON IN DALE COUNTY, ALABAMA, THE "CREEL RICHARDSON ELEMENTARY ADDITION."

WHEREAS, in its desire to recognize outstanding service to others by our citizens, the Alabama Legislature has noted the many contributions of Mr. Creel Richardson in the field of education to his community of Ariton, Dale County and other areas of our state as well; and

WHEREAS, a native of the Arguta Community in Dale County, Mr. Richardson is a graduate of Barbour County High School, the University of Alabama with a B. A. Degree, and of Trinity College in Connecticut where he earned his Master's Degree; he also studied at Columbia University through a three-year Research Fellowship in History; and

WHEREAS, Mr. Richardson served as school administrator and teacher for some 41 years, thirty of which were in Dale County and included a tenure as Superintendent of the Dale County Schools; and

WHEREAS, his professional affiliations have included membership in N.E.A., A.E.A, the Dale County Teachers Association, the Parent-Teacher Association and the Dale County, Alabama and American Historical Associations; as a retired educator, he now belongs to the Dale County, Alabama and National Retired Teachers Associations and the American Association of Retired Persons; and

WHEREAS, Mr. Richardson further is Chairman and Legislative Representative of the Alabama Joint State Legislative Committee, representing the National Retired Teachers Association and the American Association of Retired Persons which selected him to attend a 1976 session of the National Legislative Council; and

WHEREAS, he is a member, moderator and Sunday School teacher of the Ariton Baptist Church and was a member of the Dale County Bicentennial Commission and of Governor George Wallace's Advisory Council for the Alabama Commission on Aging; he currently is engaged in research for a history of Dale County and two biographies which he is authoring; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That assenting with the desire of the Dale County Board of Education to honor Mr. Creel Richardson, we hereby name and designate the new Elementary School Building at Ariton in Dale County, Alabama, as the "Creel Richardson Elementary Addition."

BE IT FURTHER RESOLVED, That authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said building as the "Creel Richardson Elementary Addition."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Richardson in token of our esteem and as a memento of this honorary designation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 147, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

H. J. R. 140. PROCLAIMING MAY 5-11, 1980, AS "ALABAMA ALCOHOL AWARENESS—MARRIAGE AND FAMILY WEEK."

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include Marriage and Family Week and it seems appropriate that this week also be designated as "Alabama Alcohol Awareness Week"; and

WHEREAS, the major factor resulting in family problems is related to the use of alcoholic beverage, and it is significant that a great portion of all alcohol purchased is by the bottle and much of it for home consumption; and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome (FAS) is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marriage and Family Week, May 5-11, 1980, also be proclaimed "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol.

BE IT FURTHER RESOLVED, That the Honorable Fob James, Governor of Alabama, sign this proclamation designating May 5-11, 1980, "Alabama Alcohol Awareness—Marriage and Family Week."

RESOLVED FURTHER, That a copy of this resolution be transmitted to the Alabama Council on Alcohol Problems (ALCAP).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 140, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 139. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, March 27, we adjourn to meet again on Tuesday, April 1, 1980; when we adjourn on Tuesday, April 1, we adjourn to meet again on Thursday, April 3; when we adjourn on Thursday, April 3, we adjourn to meet again on Tuesday, April 8; when we adjourn on Tuesday, April 8, we adjourn to meet again on Thursday, April 10; when we adjourn on Thursday, April 10, we adjourn to meet again on Tuesday, April 15; when we adjourn on Tuesday, April 15, we adjourn to meet again on Thursday, April 17; when we adjourn on Thursday, April 17, we adjourn to meet again on Tuesday, April 22; when we adjourn on Tuesday, April 22, we adjourn to meet again on Wednesday, April 23; when we adjourn on Wednesday, April 23, we adjourn to meet again on Tuesday, April 29; when we adjourn on Tuesday, April 29, we adjourn to meet again on Thursday, May 1; when we adjourn on Thursday, May 1, we adjourn to meet again on Tuesday, May 6; when we adjourn on Tuesday, May 6, we adjourn to meet again on Thursday, May 8; when we adjourn on Thursday, May 8, we adjourn to meet again on Monday, May 19; and when we adjourn on Monday, May 19, all dates hereinabove set forth being in the year 1980, we adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 139, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Rains:

H. J. R. 141. NAMING A SECTION OF STATE HIGHWAY 75 IN GERALDINE, DEKALB COUNTY, ALABAMA, THE "DR. BRIGGS PARRIS DRIVE."

WHEREAS, a graduate of the University of Chattanooga, and of the Medical School of the University of Tennessee in 1914, Dr. Briggs Parris was a learned and compassionate physician who began his practice of medicine in association with his brother, Dr. Dan Parris; and

WHEREAS, he moved in 1920, however, to Geraldine in DeKalb County, Alabama, and it was there and until his death on July 14, 1951, that Dr. Briggs Parris faithfully served his neighbors and fellow citizens as general practitioner and as a true friend; and

WHEREAS, for 31 years, Dr. Parris provided excellent medical care for his thousands of patients, regardless of ability to pay, and was further always supportive of their needs in time of trouble and in sorrow; and

WHEREAS, a deeply involved citizen in all areas of civic, educational and religious affairs, Dr. Briggs Parris greatly contributed to the community as a whole through a long and honorable record of service to others; and

WHEREAS, he also was advisor and friend to the farmers of his community, thereby contributing to the area's agricultural practices, and, through his avid interest in the schools, was instrumental in raising the quality of education available to the young people in his beloved home town; and

WHEREAS, it is the desire of the City Council of the City of Geraldine, Alabama, to honor the memory of Dr. Briggs Parris and also to express gratitude to the entire Parris family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that section of State Highway 75 beginning at the eastern part of the city limits of Geraldine, Alabama, in DeKalb County, and extending to the southern part of the city limits, as the "Dr. Briggs Parris Drive."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said portion of State Highway 75 as the "Dr. Briggs Parris Drive."

RESOLVED FURTHER, That copies of this resolution be provided to members of the Parris family in token of this commemorative designation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 141, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 110. COMMENDING MRS. WILLODINE MALONE, LONG-TIME COLBERT COUNTY EDUCATOR.

Which was adopted.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Robertson:

S. 26. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin, Keener and Weeks (With Substitute):

S. 51. To amend section 36-26-36 of the Code of Alabama 1975 relating to partial payment for accrued sick leave at time of retirement so as to provide further for such payment.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Barron, Robertson, Martin, Keener, Harrison, Denton, Little, Proctor, Hall, Kirkland and Mitchem (With Substitute):

S. 170. To provide that the State of Alabama shall provide liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald and Goodwin:

S. 346. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bailey, Gullledge, Taylor, Lemaster, Harrison, Britnell, Denton, Robertson, Keener, Proctor, Higginbotham, deGraffenried, Parsons, Little, Hall, Holmes, Kirkland, St. John, White, Cook, Vacca, McDonald, Figures and Goodwin (With Amendment):

S. 360. To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 436. To amend Section 6 of Act No. 79-797, H. 225, 1979 Regular Session (Acts 1979, p. 1455) now appearing as Section 32-6-65, Code of Alabama 1975, and Section 40-12-270, Code of Alabama 1975 so as to provide for the disbursement of the penalty fee assessed for late registration of a motor vehicle directly into the county general fund.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Cook (With Substitute):

S. 453. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 447. To amend section 12-17-4, Code of Alabama 1975, relating to the procedure for court personnel joining the state personnel system to transfer to the state employees' retirement system, so as to provide further for the procedure by which such personnel may purchase prior service credit in the state employees' retirement system.

By Mr. McDonald:

S. 399. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald and Smith (With Substitute) (With Amendment):

S. 390. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 per annum beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of the clerks of the circuit court, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; to provide that this Act shall not diminish any supplemental salary now provided circuit clerks; and to appropriate such funds as may be necessary to pay such increase.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 448. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

By Mr. Pearson:

S. 468. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of

such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 21; repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this act.

By Rep. Starkey:

H. 133. To amend Section 15-9-2 of the Code of Alabama 1975 so as to increase the amount of rewards that may be offered by a municipal governing body for information leading to the arrest and conviction of guilty persons.

By Reps. Bennett and Amari:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Substitute):

S. 286. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development and management of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Board's funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hall (With Amendment):

S. 199. To amend Section 36-32-7, Code of Alabama 1975, which relates to the minimum standards and physical qualifications for fire fighters, so as to remove fire districts established by local legislation from the purview of the act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hall (With Amendments):

S. 307. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that all high school principals be appointed as deputy registrars.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Parsons and Kirkland (With Amendment):

S. 212. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975 so as to redefine occupational diseases of firefighters and the related manner and procedures for compensation of such.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lemaster:

S. 458. To provide for the licensure and registration of building inspectors; to create the Alabama Building Inspectors Board; to prescribe the powers and duties of such board; to prescribe the procedure for obtaining a building inspector's license; to provide for the revocation of licenses; and to prescribe penalties for violations of this act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Amendments):

S. 239. To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem, Teague, McDonald, Denton, Lemaster, deGraffenried, Miller, Keener, Taylor, Bailey, Martin, Kirkland and Figures:

S. 467. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the

revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

By Messrs. Mitchem, Denton, Britnell, Miller, Holmes, Kirkland, Higginbotham and McDonald:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

By Mr. Mitchem:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Keener, Goodwin and Taylor:

S. 231. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of and by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide a minimum advance payment rate for governmental employers and the procedure for appealing an assigned rate.

By Messrs. Taylor, Goodwin and Keener:

S. 195. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1 1/2% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turnham:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes (with notice and proof):

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

By Reps. Moore and Smith (C) (with notice and proof):

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

By Rep. Campbell (with notice and proof):

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

By Rep. Campbell (with notice and proof):

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

By Reps. Willis and Crow (with notice and proof):

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

By Rep. Owens (with notice and proof):

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

By Reps. Stout and Rains (with notice and proof):

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

By Reps. Stout and Rains (with notice and proof):

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1979-1980.

By Reps. Stout and Rains (with notice and proof):

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

By Rep. Cobb (with notice and proof):

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

By Rep. Hammett (with notice and proof):

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

By Rep. Hammett (with notice and proof):

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

By Rep. Blake (with notice and proof):

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

By Rep. Pegues (with notice and proof):

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720) entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Gullledge and Smith (With Amendments):

S. 373. To create a Department of Environmental Services to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings. To create the Division of Surface Mining Control and Reclamation within the Department of Environmental Services to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes. To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry onto abandoned mine lands; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act. To repeal all laws or parts of laws which conflict with this Act.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 364. To amend Sections 8-15-3 and 8-15-8, Code of Alabama 1975, which provide for the issuance of fees and insurance for public warehouses, so as to provide further for said fees and insurance.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Cook:

S. 23. To provide for a state office of space management under the authority and control of the state building commission; to prescribe the functions of such office and to provide for the appointment and salary of a director for such office.

By Mr. Cook:

S. 24. To amend Section 41-9-140, Code of Alabama 1975, which relates to the building commission so as to provide further for the term of the legislative members and for meetings of the commission.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 593, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,
Legal Advisor.

Done this 27th day of March, 1980.

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 593 without my signature and approval and with the following suggested Executive Amendments.

In the Title, Page 1, Line 21, delete the words "Pensions and Security agency" and insert in lieu thereof the words "Department of Pensions and Security".

In Section 1, Page 1, Lines 30 and 31, delete the words "Pensions and Security agency" and insert in lieu thereof the words "Department of Pensions and Security".

In Section 1, Page 2, Line 6 following the word "system," delete the words "to be provided by the Alabama Criminal Justice Information Center" which words were added by the Amendment to House Bill 593, and insert in lieu thereof the words "to be developed by the Department of Pensions and Security with the technical assistance and advice of the Alabama Criminal Justice Information Center,".

On Page 2, Section 2, Line 8, delete the words "Pensions and Security agency" and insert in lieu thereof the words "Department of Pensions and Security".

Following Section 4 on Line 19, add a new Section 5 as follows:

"Section 5. The provisions of this Act shall become operational and shall be implemented no later than January 1, 1981."

Renumber the remaining section accordingly.

In Section 5, Line 19, following the word "effective" delete the words "January 1, 1981" and insert in lieu thereof the word "immediately."

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 74, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 76, Nays 0.

And said Bill, H. 593, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 593, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Mitchem	Taylor
Bailey	Keener	Parsons	Teague
Barron	Lemaster	Proctor	Vacca
Britnell	Little	Robertson	Weeks
Denton	Miller	St. John	White
Glass			

—20

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 593, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Keener	Mitchem	Taylor	
Barron	Kirkland	Parsons	Teague	
Britnell	Lemaster	Proctor	Vacca	
Denton	Little	Robertson	Weeks	
Goodwin	Martin	St. John	White	
Hall	McDonald			—21

Nays: —0

which was a majority of the whole number elected to the Senate.

RESOLUTIONS

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 111. COMMENDING MR. J. M. WHITMAN, LONG TIME EMPLOYEE OF AUBURN UNIVERSITY.

Which was adopted.

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 112. CREATING THE LAWRENCE COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Lawrence County, a Commission to be known as The Lawrence County Elected and Appointed Officials Salary Commission, hereinafter called "The Commission."

The Commission shall be composed of five (5) members with two of its members from government, two members from business, and a chairman. The members from business and government shall include one lawyer, a manager, and a salary administrator. Its membership shall be appointed by the Lawrence County Legislative Delegation.

The chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the chairman. Members of The Commission shall serve without compensation. Their appointment to this Commission shall expire on January 1, 1982.

The objective of The Commission will be to provide information and recommendations regarding salaries of Lawrence County elected and appointed officials. The specific objectives of The Commission shall be described by the Lawrence County Legislative Delegation.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Martin then offered the following Senate Joint Resolution, to-wit:

S. J. R. 113. CREATING THE MORGAN COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Morgan County, a Commission to be known as The Morgan County Elected and Appointed Officials Salary Commission, hereinafter called "The Commission."

The Commission shall be composed of five (5) members with two of its members from government, two members from business, and a chairman. The members from business and government shall include one lawyer, a manager, and a salary administrator. Its membership shall be appointed by the Morgan County Legislative Delegation.

The chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the chairman. Members of The Commission shall serve without compensation. Their appointment to this Commission shall expire on January 1, 1982.

The objective of The Commission will be to provide information and recommendations regarding salaries of Morgan County elected and appointed officials. The specific objectives of The Commission shall be described by the Morgan County Legislative Delegation.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, and Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 114. CONGRATULATING AND COMMENDING MISS ANNETTA LEAH SPARKS, NATIONAL PEANUT FESTIVAL QUEEN.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Miss Annetta Leah Sparks reigning National Peanut Festival Queen; and

WHEREAS, Miss Sparks attends Enterprise High School, where she is a member of the Drama Club, International Thespian Society and the Enterprise Music Club; and

WHEREAS, the lovely daughter of Mr. and Mrs. Billy Sparks of Enterprise, she is to be most highly commended for the manner in which she has so graciously and capably represented the peanut industry and our State since her selection this past October as **Festival Queen**; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Annetta Leah Sparks as **National Peanut Festival Queen** and voice our deep appreciation for the fame and honor she has brought to the State of Alabama as our ambassador throughout the United States.

BE IT FURTHER RESOLVED, That both she and her justifiably proud parents receive copies of this resolution that they may know of our appreciation, high praise and esteem.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, and Weeks then offered the following Senate Joint Resolution, to-wit:

S. J. R. 115. CONGRATULATING AND COMMENDING MISS KENDALL HOPE SWANN, NATIONAL "LITTLE MISS PEANUT."

WHEREAS, the Alabama Legislature is pleased to note the selection of Kendall Hope Swann of Columbia, Alabama, as our National "Little Miss Peanut" whose reign began this past October following festival finals; and

WHEREAS, Little Kendall Hope Swann is the daughter of Mr. and Mrs. Robert L. Swann, III, and is a seven-year old second grade student at Houston County High School in Columbia; and

WHEREAS, Kendall Hope was "Little Miss Columbia" which made her eligible for the National Peanut Festival where she won her national title, "Little Miss Peanut"; and

WHEREAS, Kendall Hope is a charming and talented young lady who indeed has many outstanding accomplishments to her credit for one so young; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Kendall Hope Swann of Columbia, Alabama, as our national "Little Miss Peanut"; **we wish her every future success and direct that** she and her parents receive copies of this resolution as evidence of our warm praise and congratulations.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, and Weeks then offered the following Senate Joint Resolution, to-wit:

S. J. R. 116. CONGRATULATING MISS BOWDEN SESSIONS, NATIONAL PEANUT FESTIVAL RECIPE CONTEST WINNER.

WHEREAS, the Alabama Legislature extends sincere congratulations to Mrs. Bowden Sessions of Fairview, Alabama, as winner of the National Peanut Festival Recipe Contest; and

WHEREAS, the Recipe Contest is one of the highlights of the National Peanut Festival which is held annually in Dothan, Alabama; and

WHEREAS, it is indeed a high honor to submit the winning recipe in competition with so many other delicious recipes, featuring peanuts, submitted by numerous homemakers, and even gourmet cooks from many areas of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mrs. Bowden Sessions of Fairview, Alabama, and direct that she receive a copy of this resolution in token of our high praise and warm regard.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 385, on page 60 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 385, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 414, on page 61 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 414, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 117. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventeenth legislative day only:

Bill No.	Page No.	Description
S. B. 103	18	Univ. of AL B'ham-South AL approp. unrestrict.
S. B. 102	18	Retirement, supplemental ben.
S. B. 461	68	Medicaid & Emergencies, trust fund surplus used
S. B. 452	69	Ed., SETC remove Reg. for unapprop. end balance
S. B. 383	70	Military, untaxed liquor
S. B. 339	66	Judges, Probate, Minimum Salary
S. B. 98	79	Nonresident Violator Compact of 1977
S. B. 31	4	Person may charge same int. rate as banks
S. B. 188	37	Loans, alter principal
S. B. 354	49	Gasohol Conservations, tax break
S. B. 211	9	Atty. General vacancies
S. B. 342	53	Education Television Commission
S. B. 247	58	Corp., small claim rule
S. B. 197	32	Unempl. Comp. Act, am'd certain sect.

S. B. 237	73	Muni. Incopr. Alter corporate limits
S. B. 193	14	Child Labor Law
S. B. 194	16	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	6	Ins. Stock and Mutual, Treated Equally
S. B. 140	16	Ins., False statements, venue Mgt. Co.
S. B. 326	21	Solid Waste, Regu.
S. B. 308	65	Savings & Loan Assoc., Interest

Which was adopted.

MOTION IN WRITING

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 369, on page 76 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 369, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING

The Bill:

H. 394. Relating to Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	McDonald	Taylor
Barron	Glass	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Proctor	White
Cook	Lemaster		

—25

Nays:

—0

The Bill:

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	Smith
Bailey	Glass	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Clemon	Kirkland	Proctor	Weeks
Cook	Little	St. John	White
Denton	McDonald		

—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 23. To provide for a state office of space management under the authority and control of the state building commission; to prescribe the functions of such office and to provide for the appointment and salary of a director for such office.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Barron	Hall	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
Cook	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Teague
Denton	Kirkland	Parsons	White

—23

Nays: —0

The Bill:

S. 24. To amend Section 41-9-140, Code of Alabama 1975, which relates to the building commission so as to provide further for the term of the legislative members and for meetings of the commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor
Barron	Goodwin	Kirkland	St. John
Britnell	Hall	Little	Smith
Callahan	Higginbotham	Martin	Taylor
Cook	Holmes	Parsons	White
deGraffenried			

—20

Nays: —0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 221. Proposing a further amendment to Amendment No. 225 of the Constitution of 1901; and providing for the revenues resulting from such repealer.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 221, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 221

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of 1901 to repeal Amendment No. 225; and providing for the disposition of revenues resulting from such repealer, and invalidating and declaring null and void any and all gasoline or motor fuel tax or taxes which would otherwise take effect in the year 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

For the calendar year 1980 and each year thereafter, no individual taxpayer shall be allowed to deduct from his gross income any amount of federal income tax paid or accrued within the tax payable year. Twenty-five percent (25%) of the residue from the state income tax after deducting the proceeds of the state income tax used to replace the revenue lost to the several funds of the state by reason of the exemption of homesteads from state ad valorem tax as provided in Amendment No. 61 of the Constitution of 1901 shall be placed in the state treasury to the credit of the state general fund. The remaining residue shall be distributed as currently provided by said Amendment 61. Amendment No. 225 to the Constitution of 1901 is hereby expressly repealed.

Section 2. Upon the approval of this Amendment by a majority of the qualified electors of this state, any and all gasoline or motor fuel tax or taxes which would otherwise take effect in the year 1980 are hereby invalidated and declared to be null and void.

Section 3. An election upon the proposed amendment is ordered to be held at the next general or special election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day

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appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Mr. Robertson moved that further consideration of the Bill, S. B. 221, and pending substitute be postponed until the Twenty-Seventh Legislative Day.

Mr. Denton requested and received unanimous consent to have his name withdrawn as co-sponsor of the Bill, S. B. 221.

Mr. Taylor requested and received unanimous consent to have his name withdrawn as co-sponsor of the Bill, S. B. 221.

On motion of Mr. St. John, the motion to postpone was laid on the table.

Yeas 17; Nays 11.

Yeas:

Messrs.:	Higginbotham	Mitchem	Smith
Bailey	Keener	Pearson	Taylor
Clemon	Kirkland	Proctor	Teague
deGraffenried	Martin	St. John	Vacca
Goodwin	McDonald		

—17

Nays:

Messrs.:	Denton	Harrison	Miller
Barron	Glass	Holmes	Robertson
Callahan	Hall	Little	White

—11

Mr. St. John offered the following amendment to the substitute for the Bill, S. B. 221, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 221

Amend Finance and Taxation Substitute for Senate Bill No. 221 Page 2 Line 17, by striking out the words "Section 2" and renumbering the following sections.

Which was adopted.

Mr. St. John then offered the following amendment to the substitute, as amended, for the Bill, S. B. 221, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 221, AS AMENDED

Amend Finance and Taxation Substitute, as amended, for Senate Bill No. 221 Page 2 Line 6, by striking out the words "twenty-five percent (25%)" and inserting in lieu thereof the words "eighteen percent (18%)".

On motion of Mr. Barron, said amendment was laid on the table.

Yeas 17; Nays 9.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Goodwin	Little	Taylor
Barron	Gulledge	Martin	Vacca
Britnell	Hall	Miller	Weeks
deGraffenried	Harrison		

—17

Nays:

Messrs.:	Mitchem	St. John	Teague	
Higginbotham	Parsons	Smith	White	
Keener	Proctor			—9

Mr. St. John then offered the following amendment to the substitute, as amended, for the Bill, S. B. 221, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 221

Amend Finance and Taxation substitute, as amended, for Senate Bill No. 221 Page 2 Line 6, by striking out the words "tax payable year" and inserting in lieu thereof "taxable year"

Also, by changing the words "twenty-five percent (25%)" and inserting in lieu thereof the words "seventeen (17%)".

On motion of Mr. Barron, said amendment was laid on the table.

Yeas 16; Nays 15.

Yeas:

Messrs.:	Goodwin	Lemaster	Taylor	
Barron	Gulledge	Little	Vacca	
Britnell	Harrison	Miller	Weeks	
Callahan	Holmes	Robertson	White	
Denton				—16

Nays:

Messrs.:	Figures	Martin	Proctor	
Bailey	Hall	Mitchem	St. John	
Clemon	Higginbotham	Parsons	Smith	
deGraffenried	Keener	Pearson	Teague	
				—15

Mr. St. John then offered the following amendment to the substitute, as amended, for the Bill, S. B. 221, to-wit:

AMENDMENT TO THE SUBSTITUTE, AS AMENDED, FOR S. B. 221

On page 2, Section 1, on lines 7 and 8, after the word "state", insert the following word:

individual

On motion of Mr. Barron, said amendment was laid on the table.

Yeas 17; Nays 13.

Yeas:

Messrs.:	Goodwin	Lemaster	Taylor	
Bailey	Hall	Little	Vacca	
Barron	Harrison	Miller	Weeks	
Callahan	Holmes	Robertson	White	
Denton	Kirkland			—17

Nays:

Messrs.:	Martin	Pearson	Smith	
Clemon	McDonald	Proctor	Teague	
deGraffenried	Mitchem	St. John		
Higginbotham	Parsons			—13

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Mr. Barron moved that further consideration of the Bill, S. B. 221, and pending substitute, as amended, be indefinitely postponed.

Mr. St. John moved that the motion to indefinitely postpone be laid on the table, which motion was lost.

Yeas 13; Nays 18.

Yeas:

Messrs.:	Martin	Pearson	Smith	
Clemon	McDonald	Proctor	Teague	
Figures	Mitchem	St. John		—13
Higginbotham	Parsons			
Keener				

Nays:

Messrs.:	deGraffenried	Holmes	Taylor	
Bailey	Denton	Kirkland	Vacca	
Barron	Goodwin	Little	Weeks	
Britnell	Hall	Miller	White	
Callahan	Harrison	Robertson		—18

The question then recurred on Mr. Barron's motion to indefinitely postpone.

Mr. St. John offered a substitute motion that the Bill, S. B. 221, and pending substitute, be postponed until the next Legislative Day.

Mr. Barron moved that the substitute motion be laid on the table which motion was lost.

Yeas 12; Nays 19.

Yeas:

Messrs.:	deGraffenried	Harrison	Taylor	
Bailey	Denton	Holmes	Weeks	
Barron	Glass	Robertson	White	
Callahan				—12

Nays:

Messrs.:	Gulledge	Martin	Proctor	
Britnell	Hall	McDonald	St. John	
Cook	Higginbotham	Mitchem	Smith	
Figures	Keener	Parsons	Teague	
Goodwin	Kirkland	Pearson	Vacca	—19

The question then recurred on the substitute motion offered by Mr. St. John, which was adopted, and further consideration of the Bill, S. B. 221, and pending substitute, was postponed until the next Legislative Day.

Yeas 17; Nays 13.

Yeas:

Messrs.:	Goodwin	McDonald	Proctor	
Bailey	Higginbotham	Mitchem	St. John	
Britnell	Keener	Parsons	Smith	
deGraffenried	Kirkland	Pearson	Teague	
Figures	Martin			—17

Nays:

Messrs.:
Barron
Callahan
Denton
Hall

Harrison
Holmes
Little
Miller

Robertson
Taylor
Vacca

Weeks
White

—13

RESOLUTION

Mr. Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 118. REQUESTING A LISTING FROM THE EXECUTIVE BRANCH OF ALL CONSULTANTS ENGAGED BY THE VARIOUS STATE DEPARTMENTS AND THEIR FEES.

WHEREAS, the State of Alabama employs numerous consultants, and

WHEREAS, the recommendations and findings resulting from these consultants' studies have much impact upon the lives of Alabama taxpayers, and

WHEREAS, said consultants and the amount paid by the State to them is information which should be known by the public; now, therefore,

BE IT RESOLVED THAT: The Alabama Senate with the House concurring respectfully requests of the executive branch a list of all consultants employed by it and the amount paid them through April 30, 1980, and each subsequent year thereafter, and

BE IT FURTHER RESOLVED THAT: The Senate also requests a listing of the various consultants and the amount paid them by each of the State's various departments operating under the control of various boards and/or commissions; and

BE IT FURTHER RESOLVED THAT: Upon the filing of this information with the Secretary of Senate and the Clerk of the House, it be immediately released to the news media of the state in order that they may apprise the taxpayers of Alabama of the number, names, and cost of various consultants employed by the State.

Which was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

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H. J. R. 141. NAMING A SECTION OF STATE HIGHWAY 75 IN GERALDINE, DEKALB COUNTY, ALABAMA, THE "DR. BRIGGS PAR-RIS DRIVE."

On motion of Mr. Mitchem, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 93. NAMING COUNTY HIGHWAY 79 THE WYCOTT PLANTATION MEMORIAL HIGHWAY.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jacob Walker, Jr. to the Alabama Educational Television Commission.

On motion of Mr. Higginbotham, the appointment of Mr. Walker was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Barron	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Higginbotham	Miller	Vacca
Cook	Keener	Mitchem	White
Denton	Lemaster	Pearson	

—22

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Mary Manderson to the Real Estate Commission.

On motion of Mr. Goodwin, the appointment of Mrs. Manderson was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Barron	Hall	McDonald	Smith
Callahan	Higginbotham	Mitchem	Taylor
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	White
Goodwin	Lemaster		

—21

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Messrs. Gene Sanderson, Alex Nelson, Jr., and John T. Bulls, Jr. to the Board of Trustees—University of North Alabama.

On motion of Mr. Denton, the appointment of Mr. Sanderson was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Barron	Goodwin	McDonald	Smith	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	White	
deGraffenried	Higginbotham	Proctor		—18

Nays: —0

On motion of Mr. Denton, the appointment of Mr. Nelson was confirmed by the Senate

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Barron	Goodwin	McDonald	Smith	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	White	
deGraffenried	Higginbotham	Proctor		—18

Nays: —0

On motion of Mr. Denton, the appointment of Mr. Bulls was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Barron	Goodwin	McDonald	Smith	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	White	
deGraffenried	Higginbotham	Proctor		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

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By Rep. Clark:

H. 420. To amend Section 40-22-1 of the Code of Alabama 1975, which section relates to the recordation of deeds, bills of sale and instruments of other like character so as to exempt from the payment of deed taxes certain conveyances of real property made between one or more persons to themselves for the purpose of creating a right of survivorship.

Also:

By Rep. Smith (J):

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Also:

By Rep. Barton:

H. 400. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Also:

By Rep. Manley:

H. 155. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

Also:

By Rep. Manley:

H. 156. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

Also:

By Rep. Manley:

H. 157. A bill to prohibit pyramid sales transactions and to specify penalties for violations thereof.

Also:

By Rep. Patton:

H. 439. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

Also:

By Rep. Patton:

H. 438. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the

time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 420, 155, 156, 157, 439, and 438. To the Committee on Judiciary.

H. B. 320. To the Committee on Governmental Affairs.

H. B. 400. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell (with notice and proof):

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the expense allowance of members of the civil service board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 710, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 785, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Ray and Reed (with notice and proof):

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 761, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 529. Relating to Mobile County; requiring the county governing body to maintain an emergency generator system which will provide continued water services during natural disasters or emergencies in all county-wide areas outside the jurisdiction of any municipality located in Mobile County, and to require that such county with emergency water supplies be an incorporated supplier.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 529, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby (with notice and proof):

H. 656. Relating to Mobile County: To provide for funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 656, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby (with notice and proof):

H. 657. Relating to Mobile County: To provide for funds for the general funds of the several incorporated municipalities in Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 657, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby:

H. 658. To repeal Act No. 544, S. 602, approved September 7, 1967, Regular Session 1967 (Acts 1967, p. 1294), entitled "An Act To provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census requiring contributions by Mobile County to the Mobile County Board of Health."

Also:

By Rep. Zoghby:

H. 659. To repeal Act No. 751, S. 599, approved September 8, 1967, Regular Session 1967 (Acts 1967, p. 1606), entitled "An Act to provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; requiring contributions by incorporated municipalities in such counties."

Also:

By Rep. Zoghby (with notice and proof):

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 684, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 710, 785, 761, 529, 656, 657, 658, 659, and 684. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

REGULAR SESSION
17th Day

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By Reps. Barton, Ford, Dial, Crow and Penry:

H. 65. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Also:

By Reps. Barton, Ford, Dial, Crow and Penry:

H. 59. To provide that members of the national guard while on emergency state active duty may be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest.

Also:

By Rep. Buskey:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Also:

By Rep. Buskey (with notice and proof):

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 722, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sasser:

H. 276. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Also:

By Rep. McKee:

H. 88. This bill amends Section 22-9-8, Code of Alabama, 1975, to increase fees for certified copies of vital statistics records and for presumptive or special searches of the files for various information.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 65 and 59. To the Committee on Judiciary.

H. B.'s 724 and 722. To the Committee on Local Legislation No. 1.

H. B.'s 276 and 88. To the Committee on Finance and Taxation.

ADJOURNMENT

At 3:40 P.M., on motion of Mr. Callahan, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 103, the Senate adjourned until Tuesday, April 1, 1980, at 2 o'clock P.M.

Yeas 16; Nays 10.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Robertson	Weeks	
Denton				—16

Nays:

Messrs.:	Holmes	Martin	Proctor	
DeGraffenried	Keener	McDonald	White	
Harrison	Kirkland	Parsons		—10

EIGHTEENTH LEGISLATIVE DAY

TUESDAY, APRIL 1, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. J. Randle Weeks, Minister of Music, Evangel Temple, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Clemon for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Martin:

S. 508. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

Committee on Governmental Affairs.

By Mr. St. John

S. 509. To amend Section 13A-5-31 of the Alabama Criminal Code, previously Section 13-11-2 of the Code of Alabama 1975, relating to aggravated offenses for which death penalty to be imposed, so as to adapt the language relating to the classification of offenses to the more recent language contained in the Alabama Criminal Code as enacted in 1977.

Committee on Judiciary.

By Mr. St. John:

S. 510. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

Committee on Rules.

By Mr. Gullledge (with notice and proof):

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 511, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gullledge:

S. 512. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays and providing for bank closings on certain holidays so as to change the date on which state banks may be closed in observance of National Memorial Day.

Committee on Banking and Insurance.

By Mr. Keener:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

Committee on Judiciary.

By Mr. Barron:

S. 514. To exempt The Montgomery Area Child Abuse and Neglect Center, Inc. from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 515. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Committee on Judiciary.

By Mr. Figures:

S. 516. To amend Section 32-7-15 of the Code of Alabama (1975) so as to correct an error inadvertently made in the 1975 codification of said Code and re-enact the Safety Responsibility Law of Alabama as it actually existed immediately prior to said 1975 codification.

Committee on Judiciary.

By Mr. deGraffenried:

S. 517. To authorize and prescribe the organization of legal expense insurance corporations.

Committee on Banking and Insurance.

By Mr. Vacca:

S. 518. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 519. To amend Section 41-16-51, Code of Alabama 1975, which provides for contracts for which competitive bidding is not required, so as to permit a medical clinic board to purchase, lease or acquire personal property or services without competitive bids.

Committee on Judiciary.

By Messrs. Goodwin, Weeks and Teague:

S. 520. Proposing an amendment to Section 65 of the Constitution of 1901, so as to prohibit any lottery except a lottery operated by the state.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Goodwin, Weeks and Teague:

S. 521. To establish the Alabama Bureau of State Lotteries and provide for the administration and operation of a state lottery; to establish the Legislative Lottery Advisory Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of revenues; to make an initial appropriation from the general fund of the state treasury to the bureau of state lotteries for implementing the provisions of this Act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to exempt the bureau and commissioner from the public bid laws and the state merit system in order to assure the security and integrity of the lottery operation; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; and to prescribe penalties for certain violations and crimes.

Committee on Finance and Taxation.

By Messrs. St. John, deGraffenried, Goodwin, McDonald, Proctor, White, Callahan, Lemaster, Holmes, Harrison, Robertson, Keener, Miller, Higginbotham, Glass, Denton, Little, Gullette, Mitchem, Taylor, Pearson, Figures, Martin, Weeks, Britnell, Hall, Parsons, Cook, Barron, Teague, Kirkland, Vacca, Bailey and Smith:

S. 522. To provide that the Physician for the Day Program be exempted from the provisions of §§ 36-25-1 through 36-25-30 of the Code of Alabama, 1975; to provide that this exemption shall include physicians physically present at the Capitol as well as physicians to whom legislators are referred; and, to provide that the physician for the day or anyone administering the Physician For The Day Program shall have the right and authority to utilize the State Telephone Network.

Committee on Rules.

By Mr. deGraffenried:

S. 523. To amend section 41-9-220, Code of Alabama 1975, relating to the Gorgas memorial board, so as to prescribe further the composition of the board and to provide for its operation; and to provide for annual appropriations to such board.

Committee on Finance and Taxation.

By Mr. Bailey:

S. 524. To provide that all duties and responsibilities concerning the sale and redemption of land for unpaid taxes may be performed by either the judge of probate or the county tax collector.

Committee on Judiciary.

By Mr. Callahan:

S. 525. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 8,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections; and to further provide authority for the sale of alcoholic beverages in state parks in dry counties under the supervision of the Alabama alcoholic beverage control board pursuant to Chapter 3 of Title 28, Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 526. To amend Section 27-7-5 Code of Alabama, 1975, as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Committee on Banking and Insurance.

By Messrs. Bailey and Gulledge:

S. 527. To provide that a legal licensed lending institution, a vendor making credit sales or credit leases, any financial institution operating in Alabama or any individual may charge and collect an administration fee; and to provide for an alternative maximum allowable interest rate or finance charge to be determined by the prime rate charged by certain banks; to provide for open-end credit plans; and to provide for the termination of the provisions of this act.

Committee on Banking and Insurance.

By Mr. Callahan:

S. 528. To amend Alabama Code (1975), Section 40-18-32, to provide that a corporation having an election in effect under Subchapter S of the Internal Revenue Code of 1954, as amended, shall not be subject to the Alabama income tax on corporations, and that the stockholders of such corporations shall include in their taxable incomes their proportionate part of such corporation's net income, computed in accordance with Section 40-18-33 of this Title.

Committee on Finance and Taxation.

By Mr. Little:

S. 529. To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Grouby:

H. J. R. 154. MOURNING THE DEATH OF JAMES CLEVELAND OWENS, NATIVE ALABAMIAN, OLYMPIC GOLD MEDALIST AND A GREAT AMERICAN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 154, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dixon, McKee, Hammett, Zoghby and McCorquodale:

H. J. R. 151. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 151, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Proctor offered the following Senate Resolution, to-wit:

S. R. 119. NOTING THE OCCASION OF SENATOR RYAN de-GRAFFENRIED'S BIRTHDAY.

Which was adopted.

REPORTS OF COMMITTEES

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 485. To amend section 5-9-22 of the Code of Alabama 1975 in order to provide that when any bank or banking association organized under the laws of the United States converts into a state banking corporation, all the property of whatsoever kind, things in action, and every right, privilege, interest and asset of the said national bank shall immediately, without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state banking corporation, and the state banking corporation shall be deemed to be a continuation of the national bank, and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee, beneficiary, executorship, trusteeship, or other trust or fiduciary function and all fiduciary relations including where the national bank is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust and all rights, privileges, duties and obligations connected therewith, irrespective of the date when any such relation may have been created or established or the date of any trust agreement relating thereto or the date of the death of any testator or decedent, shall remain unimpaired and shall continue into and in the state banking corporation and the state banking corporation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust of relation including the obligations and liabilities connected therewith, and nothing done in connection with such conversion shall be deemed to be or to effect a renunciation or revocation of any letters of administration or letters testamentary or a removal or resignation from any executorship or trusteeship or other fiduciary relationship nor shall be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act, and any reference to the national bank in any contract, will or document shall be considered a reference to the state banking corporation unless expressly provided to the contrary in the contract, will or document.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Figures (with notice and proof):

S. 440. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 484. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Mr. Britnell:

S. 169. (With Substitute): To amend Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which Act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties," and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such accumulated sick leave to their respective county retirement systems if available.

MOTIONS IN WRITING

Mr. Weeks offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 405, on page 97 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 405, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 152, on page 86 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 152, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 170, on page 86 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 170, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 120. CONGRATULATING AND COMMENDING THE STUDENTS OF AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, SEVEN TIMES NATIONAL BLOOD DRIVE CHAMPIONS.

WHEREAS, Decatur's Austin High School has once again, and for the seventh consecutive year, set a new national high school blood drive record, an accomplishment indeed worthy of high commendation; and

WHEREAS, beginning in 1966 in response to a challenge by Athens High School, Austin High's first effort resulted in the collection of 466 units of blood, the amount increasing annually to this year's 1,956 pints to bring home another national championship to Alabama and to their home town of Decatur; and

WHEREAS, under the direction of the Student Council, the entire student body worked to achieve precision organization in publishing the drive, issuing donor cards and assisting Red Cross workers in the actual taking of blood; and

WHEREAS, it is to be noted that Austin High School for the past several years has been in the unique position of breaking its own record, and each year, proud in their accomplishment, are even more determined to do so again; and

WHEREAS, though to be congratulated for an outstanding competitive spirit, the students of Austin High School are most deserving of praise for the worthiness of their cause and for their unity in achieving such a goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Austin High School on its seventh consecutive national high school blood drive championship, and express the inordinate pride we share with all of Decatur, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Bearl Whitsett for appropriate school display with copies also provided for Mrs. Mary Ellen Poole, Teacher Sponsor of the drive; Student Council President, Howard Hendrix and to Cindy O'Brien and Steve Adkison, co-chairpersons of this year's Championship Drive.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 121. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighteenth legislative day only:

Bill No.	Page No.	Description
S. B. 102	19	Retirement, supplemental ben.
S. B. 461	67	Medicaid & Emergencies, trust fund surplus used
S. B. 452	68	Ed., SETC remove Reg. for unapp. end bal.
S. B. 98	77	Nonresident Violator Compact of 1977
S. B. 383	69	Military, untaxed liquor
S. B. 339	65	Judges, Probate, Minimum Salary
S. B. 393	102	Soybeans
S. B. 342	54	Alabama Ed. TV Comm., expand
S. B. 188	38	Loans, alter principal
S. B. 31	5	Person may charge same int. rate as banks
S. B. 43	9	Alabama Banking Code
S. B. 257	52	License Inspectors, appt.
S. B. 354	50	Gasohol Conservations, tax break
S. B. 239	98	WEO, Civil serv. merit system, am'd
S. B. 211	10	Atty. General vacancies
S. B. 247	59	Corp. small claim rule
S. B. 197	33	Unempl. Comp. Act, am'd certain sect.
S. B. 237	72	Muni. Incorp. Alter corporate limits
S. B. 193	15	Child Labor Law
S. B. 326	22	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.
S. B. 194	17	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 325	78	Torts "Good Samaritan Act."
S. B. 140	17	Ins. False statements, venue Mgt. Co.
S. B. 308	64	Savings & Loan Assoc., Int.
S. B. 210	71	County Commissions, duties, auth. etc.

Mr. Callahan offered the following substitute for the Resolution, S. R. 121, to-wit:

SUBSTITUTE FOR S. R. 121

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighteenth legislative day only:

Bill No.	Page No.	Description
S. B. 43	2	Banking Code Revision
S. B. 102	19	Retirement, supplemental ben.
S. B. 461	67	Medicaid & Emergencies, trust fund surplus used
S. B. 452	68	Ed., SETC remove Reg. for unapp. end bal.
S. B. 98	77	Nonresident Violator Compact of 1977
S. B. 383	69	Military, untaxed liquor
S. B. 339	65	Judges, Probate, Minimum Salary
S. B. 393	102	Soybeans
S. B. 342	54	Alabama Ed. TV Comm., expand
S. B. 188	38	Loans, alter principal
S. B. 31	5	Person may charge same int. rate as banks
S. B. 257	52	License Inspectors, appt.
S. B. 354	50	Gasohol Conservations, tax break
S. B. 239	98	WEO, civil serv. merit system, am'd
S. B. 211	10	Atty. General vacancies
S. B. 247	59	Corp. small claim rule
S. B. 197	33	Unempl. Comp. Act, am'd certain sect.
S. B. 237	72	Muni. Incorpor. Alter corporate limits
S. B. 193	15	Child Labor Law
S. B. 326	22	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.
S. B. 194	17	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 325	78	Torts "Good Samaritan Act."
S. B. 140	17	Ins. False statements, venue Mgt. Co.
S. B. 308	64	Savings & Loan Assoc., Int.
S. B. 210	71	County Commissions, duties, auth, etc.

On motion of Mr. Mitchem, said substitute was laid on the table.

Yeas 18; Nays 14.

Yeas:

Messrs.:	Hall	McDonald	St. John	
Bailey	Harrison	Miller	Smith	
Britnell	Higginbotham	Mitchem	Taylor	
Denton	Lemaster	Parsons	Teague	
Figures	Little	Pearson		—18

Nays:

Messrs.:	deGraffenried	Keener	Vacca	
Barron	Goodwin	Kirkland	Weeks	
Callahan	Gulledge	Martin	White	
Cook	Holmes	Robertson		—14

Mr. Callahan then offered the following substitute for the Resolution, S. R. 121, to-wit:

SUBSTITUTE FOR S. R. 121

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighteenth legislative day only:

Bill No.	Page No.	Description
S. B. 102	19	Retirement, supplemental ben.
S. B. 461	67	Medicaid & Emergencies, trust fund surplus used
S. B. 452	68	Ed., SETC remove Reg. for unapp. end bal.
S. B. 98	77	Nonresident Violator Compact of 1977
S. B. 383	69	Military, untaxed liquor
S. B. 339	65	Judges, Probate, Minimum Salary
S. B. 43	2	Alabama Banking Code
S. B. 393	102	Soybeans
S. B. 342	54	Alabama Ed. TV Comm., expand
S. B. 188	38	Loans, alter principal
S. B. 31	5	Person may charge same int. rate as banks
S. B. 257	52	License Inspectors, appt.
S. B. 354	50	Gasohol Conservations, tax break
S. B. 239	98	WEO, civil serv. merit system, am'd
S. B. 211	10	Atty. General vacancies
S. B. 247	59	Corp. small claim rule
S. B. 197	33	Unempl. Comp. Act, am'd certain sect.

S. B. 237	72	Muni. Incorp. Alter corporate limits
S. B. 193	15	Child Labor Law
S. B. 326	22	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.
S. B. 194	17	Ed., Bds. of Insurance Bldgs. & Prop.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 325	78	Torts "Good Samaritan Act."
S. B. 140	17	Ins. False statements, venue Mgt. Co.
S. B. 308	64	Savings & Loan Assoc., Int.
S. B. 210	71	County Commissions, duties, auth. etc.

On motion of Mr. McDonald, said substitute was laid on the table.

And on motion of Mr. McDonald, the Resolution, S. R. 121, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 394. Relating to Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

Also:

H. J. R. 93. NAMING COUNTY HIGHWAY 79 THE WYCOTT PLANTATION MEMORIAL HIGHWAY.

Also:

H. J. R. 139. RELATIVE TO MEETING DATES BEGINNING TUESDAY, APRIL 1, 1980, THROUGH SINE DIE ADJOURNMENT ON MONDAY, MAY 19, 1980.

Also:

H. J. R. 140. PROCLAIMING MAY 5-11, 1980, AS "ALABAMA ALCOHOL AWARENESS—MARRIAGE AND FAMILY WEEK."

Also:

H. J. R. 141. NAMING A SECTION OF STATE HIGHWAY 75 IN GERALDINE, DEKALB COUNTY, ALABAMA, THE "DR. BRIGGS PARIS DRIVE."

Also:

H. J. R. 143. REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

Also:

H. J. R. 147. NAMING THE NEW ELEMENTARY SCHOOL BUILDING AT ARITON IN DALE COUNTY, ALABAMA, THE "CREEL RICHARDSON ELEMENTARY ADDITION."

Also:

H. J. R. 148. ENCOURAGING CONTINUED AND INCREASED USE OF THE ALABAMA STATE DOCKS SYSTEM BY DOMESTIC BUSINESS AND INDUSTRY IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 593. To provide for the Department of Pensions and Security to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The president of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

LOCAL BILLS ON THIRD READING

The Bill:

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	McDonald	St. John
Barron	Goodwin	Miller	Smith
Britnell	Gulledge	Mitchem	Teague
Callahan	Hall	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Kirkland		

—25

Nays: —0

The Bill:

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	McDonald	St. John
Barron	Goodwin	Miller	Smith
Britnell	Gulledge	Mitchem	Teague
Callahan	Hall	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Kirkland		

—25

Nays: —0.

The Bill:

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Callahan	Harrison	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Holmes	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Callahan	Kirkland	Proctor	Weeks	
deGraffenried	Lemaster	St. John	White	
Figures	Little			—25

Nays: —0

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The Bill:

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1979-1980.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
Denton	Keener	Proctor	Weeks	
Figures	Lemaster	St. John	White	
Glass	Little			—25

Nays: —0

The Bill:

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Hall	Miller	Smith
Britnell	Holmes	Mitchem	Teague
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Pearson	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Proctor	White
Denton	Lemaster		

—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 169. To amend Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which Act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties," and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such accumulated sick leave to their respective county retirement systems if available.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 169, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 169

A BILL
TO BE ENTITLED
AN ACT

To provide for payment of 50% of the dollar value of accrued sick leave to the credit of former state highway department employees at the time that ~~they elected to transfer to county employment under the provisions of Act No. 79-688, H. 540 of the 1979 Regular Session of the Legislature;~~ to provide that funds for payment will be placed in an escrow account in the State Treasury to be paid to any such employee upon his retirement from county service; and to provide that funds shall be appropriated from the State General Fund; to provide that provisions of this Act shall be retroactive to August 1, 1979; and to provide for the termination of the escrow account.

Be It Enacted by the Legislature of Alabama:

Section 1. All former state highway department employees who elected to transfer to county employment under the provisions of Act No. 79-688, H. 540 of the 1979 Regular Session of the Legislature, shall be paid 50% of the dollar value of their accrued sick leave at the time that they transferred from state to county employment, upon their retirement from county service. The state highway department is hereby directed to determine 50% of the dollar value of each such employee's accrued sick leave at the time that they elected to transfer to county employment. Sufficient funds shall be deposited in a special escrow account in the State Treasury to be held in escrow until such employees retire from county service. Payment shall be made out of said escrow account by the state comptroller to such employees immediately following their retirement from county service. Before payment is made by the state comptroller, he must have in his possession a letter of certification, confirming the employee's retirement from county service, from the chairman of the county commission where the employee was employed, with verification of the retirement by the secretary-treasurer of the Retirement Systems of Alabama. If such employees do not retire from county service, they forfeit any and all right to the funds held in escrow in the State Treasury. Immediately upon any such employee's leaving county service for reasons other than retirement, the chairman of the county commission is directed to notify the state comptroller in writing and the funds held in escrow for that employee will revert to the unappropriated surplus of the State General Fund. There is hereby appropriated from the State General Fund, funds sufficient to place in an escrow account in the State Treasury an

amount equal to 50% of the dollar value of accrued sick leave of all former state highway department employees who elected to transfer to county service under the provisions of Act No. 79-688, H. 540 of the 1979 Regular Session of the Legislature. The escrow funds shall not revert to the unappropriated surplus of the State General Fund at the end of any fiscal year but shall be encumbered each year in the escrow account. The escrow account will terminate when the last such employee retires or is no longer employed by any such county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act shall be retroactive to August 1, 1979.

On motion of Mr. Britnell, said substitute was laid on the table.

And on motion of Mr. Britnell, the Rules were suspended and he was granted permission to offer the following substitute for the Bill, S. B. 169, to-wit:

SUBSTITUTE FOR S. B. 169

A BILL
TO BE ENTITLED
AN ACT

To provide for payment of the dollar value of accrued sick leave to the credit of former State Highway Department employees at the time that they elected to transfer to county employment under the provisions of Act No. 79-688, H. 540 of the 1979 Regular Session of the Legislature; to provide that funds for payment will be placed in an escrow account in the State Treasury; to provide that these funds will be paid to the county of employment monthly as said former State Highway Department employees use the accrued sick leave days or if said former employees do not use all of said accrued sick leave by the time of their retirement from county service, then to pay the county of employment 50% of the dollar value of the remaining accrued sick leave to the credit of said former State Highway Department employee; to provide that funds shall be appropriated from the State General Fund; to provide that provisions of this act shall be retroactive to August 1, 1979; and to provide for the termination of the escrow account.

Be It Enacted by the Legislature of Alabama

Section 1. All former State Highway Department employees who elected to transfer to county employment under the provision of Act No. 79-688, H. 540 of the 1979 Regular Session of the Legislature shall be paid by their county of employment for their accrued sick leave days that were to their credit at the time that they elected to transfer to county employment either as they use the said accrued sick leave days during the term of their employment with the county, or 50% of their accrued sick leave days upon their retirement from county service.

The State Highway Director is hereby directed to determine the dollar value of each such employee's accrued sick leave at the time that they elected to transfer to county employment. A certified listing of this information

which shall contain the employee's name, accrued sick leave days, rate of pay, and the dollar value of the accrued sick leave days shall be furnished to the county of employment, for each such employee who elected to transfer to county service, by the State Highway Director. A copy of this certified list shall also be retained by the State Highway Director. Sufficient funds shall be deposited in a special escrow account in the State Treasury to be held in escrow until such employees use said accrued sick leave or retire from county service.

On the last day of each month the respective county governing body shall cause an itemized certified invoice to be submitted to the State Highway Department certifying the number of sick leave days or fractions thereof that each said former State Highway Department employee used during that month. Said invoice shall also contain the dollar value of said accrued sick leave used by said former State Highway Department employees calculated by multiplying their rate of pay when they left State service by the number of days sick leave used. Upon verification by the State Highway Department that each said former State Highway Department employee has to his credit enough accrued sick leave remaining to cover the amount billed by said county of employment and that the rate of pay and the dollar value of said accrued sick leave corresponds to the amount certified to the county by the State Highway Director, the State Highway Department shall prepare a voucher for payment to the county for said invoice. Payment shall be made out of said escrow account by the State Comptroller immediately following his receipt of said voucher. If upon retirement from county service said former State Highway Department employees have remaining to their credit accrued and unused sick leave that was accrued to their credit at the time that they elected to transfer to county employment, then the State Comptroller shall pay out of said escrow account to the county of employment 50% of the dollar value of the remaining accrued sick leave to the credit of such employee immediately following his retirement from county service. Before payment is made by the State Comptroller, he must have in his possession a letter of certification confirming the employee's retirement from county service from the Chairman of the county commission where the employee was employed with verification of the retirement by the Secretary-Treasurer of the Retirement Systems of Alabama. The remaining 50% of the remaining dollar value of accrued sick leave to the credit of such employee in said escrow account shall revert to the unappropriated surplus of the State General Fund. If such employees do not use said accrued sick leave during their tenure as county employees or if they do not retire from county service, they forfeit any and all rights to the funds held in escrow in the State Treasury. Immediately upon any such employee's leaving county service for reasons other than retirement, the Chairman of the county commission is directed to notify the State Comptroller with a copy to the State Highway Director in writing and the funds held in escrow for that employee will revert to the unappropriated surplus of the State General Fund.

There is hereby appropriated from the State General Fund sufficient funds to place in an escrow account in the State Treasury an amount equal to the dollar value of accrued sick leave of all former State Highway Department employees who elected to transfer to county service under the provisions of Act No. 79-688, H. 540 of the 1979 Regular Session of the Legislature. The escrow funds shall not revert to the unappropriated surplus of the State General Fund at the end of any fiscal year, but shall be encumbered each year in the escrow account. The escrow account will terminate when the last such employee retires or is no longer employed by any such county.

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Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall be retroactive to August 1, 1979.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Robertson
Barron	Hall	Lemaster	St. John
Britnell	Harrison	Martin	Taylor
deGraffenried	Higginbotham	McDonald	Weeks
Denton	Holmes	Pearson	White
Goodwin	Keener		

—21

Nays: —0

And said Bill, S. B. 169, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Little	Pearson
Bailey	Harrison	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Denton	Keener	Mitchem	Taylor
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Lemaster		

—25

Nays: —0

MOTION IN WRITING

Mr. Robertson offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 273, on page 58 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 273, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

And said Bill, S. B. 103, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	St. John	
Barron	Harrison	McDonald	Smith	
Britnell	Higginbotham	Miller	Taylor	
Callahan	Holmes	Parsons	Weeks	
Denton	Keener	Pearson	White	
Goodwin	Lemaster	Proctor		—26

Nays: —0

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 102. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

And said Bill, S. B. 102, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Gulledge	Martin	Robertson	
Barron	Hall	Miller	St. John	
Britnell	Higginbotham	Mitchem	Taylor	
Callahan	Holmes	Parsons	Weeks	
DeGraffenried	Keener	Pearson		—22

Nays: —0

The Bill:

S. 461. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesigned,

uncommitted, unencumbered and unappropriated, to the general fund of the state treasury for the purposes of emergency-crisis use in administering the medicaid program through medical services administration as determined by the emergency funding council; to create said council and to give it certain powers and duties; to provide further for the use of such unencumbered and unappropriated fund transfers, so as to require a portion thereof be used for the payment of cost-of-living increases authorized by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts 1979, p. 1283), for the fiscal year ending September 30, 1980.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 461, to-wit:

COMMITTEE AMENDMENT TO S. B. 461

Amend Senate Bill 461, Page 2, Line 13, by striking out the word "surplus".

On motion of Mr. McDonald, said amendment was laid on the table.

Mr. McDonald then offered the following substitute for the Bill, S. B. 461, to-wit:

SUBSTITUTE FOR S. B. 461

A BILL
TO BE ENTITLED
AN ACT

To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the general fund of the state treasury for the purposes of emergency crisis use in administering the medicaid program through medical services administration as determined by the emergency funding council; to create said council and to give it certain powers and duties; to provide further for the use of such unencumbered and unappropriated fund transfers, so as to require a portion thereof be used for the payment of cost-of-living increases authorized by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts 1979, p. 1283), for the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Except for revenues generated by beer tax, income tax, insurance premium tax, leasing or renting tangible personal property, lodgings tax, railroad gross receipts tax, state sales tax, store licenses, telephone company tax, tobacco tax, use tax, utility tax, any retirement systems funds and Alabama Post Secondary Commission, all dedicated or pledged revenues generated from all other sources which are unencumbered, uncommitted or not otherwise appropriated are transferred to the general fund in the state treasury to be appropriated, first, to the extent and in the amount of monies necessary, which together with any other general fund revenues, are sufficient to provide the maximum conditional cost-of-living increases prescribed by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts 1979, p. 1283), for the fiscal year ending September 30, 1980. All remaining portions of such transferred funds shall be appropriated, to the extent and in the amounts

necessary, as determined in the sole discretion of the Emergency Funding Council, for the purpose of administering the medicaid program through the medical services administration for emergency crisis usage, for the fiscal year ending September 30, 1980.

Section 2. It is the intent of the legislature that all funds appropriated by the provisions of this act shall not place the general fund of the state treasury nor any other state fund in proration by the appropriations herein made, but that all such appropriations are expressly limited to the extent necessary to avoid such proration in any fund. It further is the legislative intent that all funds, undesignated, uncommitted, unencumbered and unappropriated, transferred to the state general fund of the state treasury shall be those revenues, not exempt by Section 1 of the act, which otherwise would lapse and which together otherwise would result in an ending balance in the general fund of the state treasury for the fiscal year ending September 30, 1980. No provision of this Act shall be construed to appropriate constitutionally dedicated funds; nor shall any provision be construed to encroach upon or to diminish any monies appropriated by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts, 1979, p. 1283).

Section 3. There is hereby created an Emergency Funding Council to deal with the state medicaid crisis and other emergencies as a result thereof, as well as the maximum cost-of-living increases authorized by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts 1979, p. 1283), for state employees. Said council shall be composed of the Governor, Lieutenant Governor and the Speaker of the House of Representatives. The members shall serve until their successors are elected. The council shall meet from time to time on call of the Governor. A majority of the members shall constitute a quorum.

It shall be the duty of the Governor to call a meeting of the said council in the event of an emergency or crisis or when he deems it necessary to consider the necessity of allocating any funds for the medicaid and said cost-of-living increases for state employees, as provided by Sections 1 and 2 of this act. At any meeting called by the Governor, he shall submit to the council in writing his recommendation for the allocation of any part of the funds available for such purposes. The council shall consider said recommendation and make such investigations as it deems necessary or proper, and review and determine if there are funds not otherwise appropriated or committed in the state general fund, all other state funds and existing trust funds, except as herein exempt. In the event a majority of the council shall approve the Governor's recommendation, it shall by proper resolution adopt said recommendation and order the transfer, use or expenditure of the amount so recommended; and the state comptroller shall be authorized, upon receipt of a certified copy of said resolution, signed by the Governor, to transfer to the proper department, institution, agency, or official, the fund authorized to be allocated. Any member shall be authorized at any meeting of the council to propose in writing a different allocation or a different amount to be allocated to any department, institution, or agency of the state of Alabama for the purposes of this act. In the event a majority of the council approves by proper resolution the proposed allocation of any part of said fund, the allocation of the same shall be authorized as above provided.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

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Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; the said provisions shall terminate and shall become null and void after September 30, 1980.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor
Barron	Gulledge	Little	Robertson
Britnell	Hall	Martin	Taylor
Callahan	Higginbotham	McDonald	Vacca
Denton	Holmes	Miller	Weeks
Figures	Keener		

—21

Nays: —0

And said Bill, S. B. 461, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Little	Robertson	

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Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Moore and Smith(C) (with notice and proof):

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 758, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Smith (J) (with notice and proof):

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 789, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Smith (J) (with notice and proof):

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 790, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Smith (J) (with notice and proof):

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 791, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 796, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 806, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hall (with notice and proof):

H. 296. To provide for the election and necessary residence of the county superintendent of education in Madison County; to provide for a referendum election in said county to determine if the provisions of this act shall become effective.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 296, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Riddick (with notice and proof):

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 664, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts, Patton, Cooley and Letson (with notice and proof):

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 788, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Gregg, Albright and Smith (J) (with notice and proof):

H. 792. An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 792, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 758, 789, 790, 791, 796, 806, 296, 664, 788, and 792. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams (H) (with notice and proof):

H. 751. To amend Section 10 of Act No. 787, H. 1057, of the 1979 Regular Session, which relates to an increase in sales tax for Cherokee County so as to provide that one-half of the tax proceeds shall go to the county and one-half to the County Board of Education; and to make this act retroactive.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 751, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bedsole, McMillan, Hines and McCorquodale:

H. 356. To prohibit the release of tame turkeys, or any other type of turkeys, into the wild areas of this State; to provide for certain exceptions; and to provide penalties for violation of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 751. To the Committee on Local Legislation No. 1.

H. B. 356. To the Committee on Agriculture, Conservation and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Riddick (with notice and proof):

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 794, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Riddick:

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 794. To the Committee on Local Legislation No. 1.

H. B. 663. To the Committee on Governmental Affairs.

RESOLUTION

Mr. deGraffenried offered the following Senate Resolution, to-wit:

S. R. 122. NOTING THE OCCASION OF SENATOR PROCTOR'S WEDDING ANNIVERSARY.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser:

H. 319. To amend and reenact Act No 87, S. 40, 1971, Third Special Session (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 319. To the Committee on Education.

BILLS ON THIRD READING RESUMED

The Bill:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Hall	Martin	Robertson
Callahan	Higginbotham	McDonald	St. John
Cook	Holmes	Miller	Smith
deGraffenried	Keener	Parsons	Taylor
Denton	Kirkland	Pearson	Vacca
Goodwin	Little	Proctor	Weeks
Gulledge			

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Nay: Mr. White

—1

The Bill:

S. 452. To amend Section 1 and Section 2 of Act 79-540 (H. 580) so as to remove the requirement for an unappropriated ending balance.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Britnell	deGraffenried	Hall
Bailey	Callahan	Denton	Harrison
Barron	Cook	Goodwin	Higginbotham

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Holmes
Keener
Kirkland
Lemaster
Little

Martin
McDonald
Miller
Parsons

Pearson
Proctor
Robertson
St. John

Smith
Taylor
Vacca
Weeks

—28

Nay: Mr. White

—1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

Also:

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

Also:

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

Also:

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization of registrars and the jury commission of said county.

Also:

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Also:

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Also:

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1979-1980.

Also:

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

Also:

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

Also:

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Also:

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

Also:

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Also:

H. J. R. 154. MOURNING THE DEATH OF JAMES CLEVELAND OWENS, NATIVE ALABAMIAN, OLYMPIC GOLD MEDALIST AND A GREAT AMERICAN.

JOHN W. PERMERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 98. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

was taken up.

On motion of Mr. Little, further consideration of the Bill, S. B. 98, was postponed temporarily.

The Bill:

S. 383. To permit the possession of certain quantities of state untaxed alcoholic beverages purchased on federal military installations by eligible active duty, reserve, and retired military members and their dependents for private use; to prohibit the keeping, storing or possession of such alcoholic beverages in the passenger area of any vehicle, or in the view of any passenger; to make it unlawful to sell or offer for sale such state untaxed alcoholic beverages to anyone not authorized to purchase such beverages himself or to possess in excess of the quantity permitted; and to make the violation of such restrictions on sale and possession of excess quantities a misdemeanor and to set the penalties therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 4.

Yeas:

Messrs.:	Higginbotham	McDonald	Smith
Bailey	Holmes	Miller	Taylor
Barron	Keener	Parsons	Vacca
Cook	Little	Pearson	Weeks
Goodwin	Martin	Proctor	White

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Nays: Messrs.: Denton, Hall, Lemaster, Mitchem.

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REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 151. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 151, to-wit:

RULES COMMITTEE AMENDMENT TO H. J. R. 151

Amend H. J. R. 151 Page 2 Line 7, by inserting after the word "Representatives" the following "and Alabama State Senate"

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 151, as thus amended, was then concurred in and adopted by the Senate.

MOTION IN WRITING

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 97, on page 105 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 97, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

Also:

By Rep. Hines:

H. 628. To rename the former board of corrections the department of corrections.

Also:

By Reps. Adams (C) and Whatley:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Also:

By Reps. Dixon and Lewis:

H. 151. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Also:

By Rep. Adams (C):

H. 204. To provide that county commissions may meet one day the following week if the regular meeting day falls on a legal public holiday, and provides for notice of such meeting.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 412. To the Committee on Health and Welfare.

H. B.'s 628, 776, 151, and 204. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ward, Waggoner, Whatley, Laird, Grimsley, Reed, Adams (C), Crow, Harper (O), Williams, Rains, Greer, Minus, Willis, Blake, Johnson (R. G.), Biddle, Dial, Seibels, Clark, Gilmer, Goodwin, Smith (C), Smith (M), Wyatt, Mitchell, Barton, Zoghby, Warren, Edwards, Stewart, Owens, McCorquodale, Bedsole, Harper (T), Ray, Hammett, Roberts, Letson, Patton, Kelley, Bowling, Naramore, Carter, Smith (J), Bennett, Starkey, Hilliard, Tucker, Horn, Olive, Cabaniss, Moore, Shoemaker, Payne, Venable, Cates, Campbell, Carothers, Grouby, McKee and Dixon:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into longterm exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of

refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 496. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky:

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 82. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

Also:

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 5:40 P.M., on motion of Mr. Teague, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 98, the Senate adjourned until Thursday, April 3, 1980, at 1 o'clock P.M.

Yeas 15; Nays 13.

Yeas:

Messrs.	Figures	Mitchem	Teague	
Bailey	Goodwin	Proctor	Vacca	
Cook	Hall	Robertson	Weeks	
Denton	Miller	Smith	White	—15

Nays:

Messrs.:	Gulledge	Keener	McDonald	
Barron	Harrison	Lemaster	Parsons	
Callahan	Higginbotham	Little	Taylor	
deGraffenried	Holmes			--13

NINETEENTH LEGISLATIVE DAY

THURSDAY, APRIL 3, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. John T. Smithson, Jr., Minister, Walnut Street Church of Christ, Greenville, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Bailey for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Holmes (with notice and proof):

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 530, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Barron

S. 531. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the general fund of the state with a sufficient amount of such moneys being used in the administration of the act; and to prescribe penalties for violation of the act.

Committee on Health and Welfare.

By Mr. Glass (with notice and proof):

S. 532. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 532, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Bailey and Teague (By request):

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

Committee on Banking and Insurance.

By Mr. Mitchell:

S. 534. To amend Sections 34-7-40 of the Code of Alabama 1975, relating to the creation, composition, appointment, qualifications of members, terms of office, vacancies and removal from office, of the Alabama board of cosmetology, so as to provide further for the composition and qualifications of the membership and to provide an effective date.

Committee on Health and Welfare.

By Mr. St. John:

S. 535. To amend further Section 41-9-43 of the Code of Alabama, 1975, relating to the Alabama state council on the arts and humanities, so as to bring the employees of such council under the provisions of the Merit System Act and State Employees' Retirement System; and to make certain exceptions.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 536. To provide that no state institution or state agency, located in certain counties, shall receive any appropriation of funds, of whatsoever nature, which funds have been transmitted through the general fund of the state treasury, the special educational trust fund, or from any other designated or trust fund of the State of Alabama from which appropriations are made.

Committee on Finance and Taxation.

By Messrs. Parsons, Keener, Mitchem, Harrison, deGraffenried, Barron, Denton, Higginbotham, Kirkland, White, Cook, Little and Lemaster:

S. 537. To require that all motor fuels sold in this state be sold by gallons or fractions of gallons; and to prescribe penalties.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Callahan:

S. 538. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

Also:

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof as length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 100. PROVIDING THAT THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY AUTHORIZE NOT MORE THAN TWO SENATORS AND NOT MORE THAN TWO HOUSE MEMBERS TO ATTEND THE APRIL 11, 1980, SEMINAR IN COLUMBUS, OHIO, ON ISSUES FACING THE STEEL INDUSTRY, AND PROVIDING FOR REIMBURSEMENT OR ORDINARY AND NECESSARY EXPENSES.

Also:

S. J. R. 102. COMMENDING THE RANDOLPH COUNTY HIGH SCHOOL TIGERS, 1979 FOOTBALL CHAMPIONS

Also:

S. J. R. 106. CONGRATULATING THE EMPLOYEES OF COVINGTON ELECTRIC COOPERATIVE ON THEIR OUTSTANDING SAFETY RECORD.

Also:

S. J. R. 107. MOURNING THE DEATH OF MR. MANUEL R. RUSSO OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 113. CREATING THE MORGAN COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 120. CONGRATULATING AND COMMENDING THE STUDENTS OF AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, SEVEN TIMES NATIONAL BLOOD DRIVE CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Starkey, Coburn, Greer:

H. J. R. 165. CONGRATULATING AND COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM, OUTSTANDING IN NCAA COMPETITION.

Also:

By Rep. Hammett:

H. J. R. 166. MOURNING THE DEATH OF MARK WISE OF ANDALUSIA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H.J.R. 165, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Miller, the Rules were suspended and the Resolution, H.J.R. 166, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps.: Bennett, Drinkard and Dixon:

H. J. R. 144. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

WHEREAS, the public schools are available to all children and youth and are mandated by state government for the purpose of meeting these needs; and

WHEREAS, the public and the State Legislature are not content with merely providing schools but, far more importantly, are concerned with the quality of the programs the schools offer; and

WHEREAS, the public and the State Legislature recognize that the effectiveness of the classroom teachers is the single most important factor in assuring that the public schools conduct quality educational programs for the students and achieve their objectives; and

WHEREAS, it is obvious that teachers must have mastery of the subject matter in the field in which they teach if they are to be judged competent and be able to perform effectively in the classroom for the benefit of the students for whom they are responsible; and

WHEREAS, the State Legislature has a deep and abiding concern that every teacher employed in the public schools of this state be provided the maximum opportunity through their formal professional training to achieve mastery of the subject matter in the field in which they are employed to teach; and

WHEREAS, the issue of allowing teachers to option to take graduate level classwork completely in subject area has been widely championed by Mrs. Barbara Murphy, a Homewood High School chemistry teacher; and

WHEREAS, methodology courses are more a part of the under-graduate teacher training program than those at the Master's level where advanced subject area should rightfully be expressed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our strong desire that the State Board of Education move immediately to consider providing teachers the option of completing graduate work leading to a Master's degree or beyond in their teaching field and be certified and be paid accordingly.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 144, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Willis, Blake and Crow:

H. J. R. 164. DESIGNATING THE WEEK OF OCTOBER 7-12, 1980, AS "CALHOUN COUNTY INDUSTRY WEEK."

WHEREAS, the Legislature of Alabama recognizes the many contributions that the industries of Calhoun County have made not only to the economy of both Calhoun County and the State of Alabama, but also to the people in gifts of time and talent to promote community progress; and

WHEREAS, it is with enthusiasm that we endorse the fifth annual "Industry on Parade" exhibition sponsored by the Calhoun County Chamber of Commerce, to be held at Quintard Mall, October 7-12, 1980; and

WHEREAS, We salute the joint enthusiasm of 59 industries and the Calhoun County Chamber of Commerce in their effort to enhance community awareness and appreciation for the diversity and impact of Calhoun County's industrial base; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise, we hereby designate the week of October 7-12, 1980, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce and to each of the participating industries as evidence of our enthusiastic endorsement of their "Industry on Parade."

HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H.J.R. 164, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House had amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 105. CREATING A COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Senate concurred in and adopted the following House amendment to the Senate Joint Resolution, S.J.R. 105, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. J. R. 105

CREATING A COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

WHEREAS, the Governor of the State of Alabama and the Department of Mental Health are presently under federal court order mandating certain charges and improvements in the conditions for mentally ill and mentally retarded patients of the Alabama Department of Mental Health; and

WHEREAS, great expense will be incurred in complying with said court order; and

WHEREAS, the Department of Mental Health has various land holdings around the State; and

WHEREAS proven management, utilization and possible sale of said lands could provide additional revenues thereby easing the burden on the state general fund in meeting the cost of implementing the federal court requirements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committee be formed to make a study of the Department of Mental Health lands and consider the most feasible utilization of said lands. The committee shall be composed of three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the Senate appointed by the President of the Senate, and three members of the general public, one each appointed by the Governor, the Speaker of the House, and the President of the Senate. The Speaker of the House and the President of the Senate shall be ex officio members of the committee with the chairman to be selected by and from among the membership. The committee shall meet on the call of the chairman. Said committee members shall receive compensation and payment for ordinary expenses for attending meetings up to a total sum of \$7,500. The three members of the general public shall also receive equal expense allowance as the legislative members to be paid from funds appropriated to the Governor's office for attending committee meetings. The committee shall file a report of its findings and recommendations with the Governor, Lt. Governor, Speaker of the House and with each member of the Senate and House by the first legislative day of the 1981 Regular Session and shall be terminated on said first legislative day of the 1981 Regular Session; and

BE IT FURTHER RESOLVED That the committee shall be empowered to require four persons knowledgeable in land value and use to assist them as needed with one person to be supplied from each of the following state agencies: Department of Examiners of Public Accounts, Department of Revenue, Department of Agriculture and Industries and the State Forestry Commission. Said representatives of state agencies shall be utilized and employed by the committee as needed to assist and ascertain the status, current value or fair market value, and highest and best use of each tract owned, leased or under the control of the State Department of Mental Health; also

BE IT FURTHER RESOLVED That as a part of the committee's final report the Governor, the Lieutenant Governor, Speaker of the House and each member of the Senate and House be supplied with a comprehensive listing of every piece of real estate owned by the Department of Mental Health, said listing to be alphabetical in order by counties showing the following points of information:

- (1) Its legal description and total acreage
- (2) Its current value or fair market value
- (3) How it is presently being used by the Department of Mental Health
- (4) The committee's recommendation for sale, retention, usage at present or other recommendation for its use

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 157. HONORING COLONEL RICHARD A. PEACOCK OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Biddle:

H. J. R. 159. CONGRATULATING AND COMMENDING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

By Reps. Ford, Drinkard, Adams (H):

H. J. R. 155. COMMENDING DR. LARRY LEWISKI, WOMEN'S BASKETBALL COACH AT GADSDEN STATE JUNIOR COLLEGE AND COACH OF THE YEAR, NORTHERN DIVISION, AJCAA.

Also:

By Reps. Ford, Drinkard, Adams (H):

H. J. R. 156. HONORING COACH OF THE YEAR STAN COOK OF GADSDEN STATE JUNIOR COLLEGE.

Also:

By Reps. Manley, Pegues:

H. J. R. 162. COMMENDING MARENGO COUNTY SHERIFF WILLIAM H. SMITH, JR., FOR HIS OUTSTANDING ACCOMPLISHMENTS IN THE AREA OF PENAL REFORM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Keener, the Rules were suspended and the Resolutions, H.J.R.'s 157, 155 and 156, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Hall, the Rules were suspended and the Resolution, H.J.R. 159, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H.J.R. 162, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 151. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 207. Relating to the Town of Lincoln, in Talladega County: authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security

of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

by a majority of those voting, said vote being Yeas 46, Nays 1.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 48, Nays 0.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 372. To provide that upon the death of a state employee his beneficiary shall be entitled to payment of one-half of his accrued sick leave.

By Mr. Proctor:

S. 229. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to making an appropriation for this purpose.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Barron, Robertson, Martin, Keener, Holmes, Harrison, Little, Denton, Proctor, Hall and Kirkland (With Amendment):

S. 172. To provide salary increases for certain state employees and to appropriate funds therefor.

By Rep. Minus: (With Amendment):

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 67. To amend Sections 12-17-142, 12-17-143 and 12-17-147, Code of Alabama 1975, which relate to the supernumerary fund of clerks and registers of the circuit court, so as to: Require that the salary of each supernumerary clerk or register be paid on a biweekly basis; to place the clerks' and registers' supernumerary fund under the management and control of the Administrative Director of Courts of the Administrative Office of Courts; to define the duties and requirements herein imposed on the Administrative Director of Courts with respect to such fund; to provide that the State Treasurer shall invest such fund and report and return interest earned on such fund; to provide that the Chief Executive Officer of the State Retirement Systems shall furnish certain information on interest rates and percentages to said Director; to regulate refunds of contributions and accrued interest thereon in the event service is terminated prior to entitlement of supernumerary status; and to provide for refunds in the event of death of a clerk or register who had assumed supernumerary status in cases where benefits equal to contributions plus accrued interest had not been paid prior to death.

By Mr. Martin:

S. 251. Relating to ad valorem taxes; to provide for a refund of certain payments of taxes under certain conditions for ad valorem taxes paid by a taxpayer who claims an exemption or who is assessed based upon an exemption which results in an overpayment of taxes; and to further provide for the claiming of certain exemptions provided by law.

By Messrs. McDonald and Smith:

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

By Mr. deGraffenried:

S. 474. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

By Mr. Pearson:

S. 400. To amend Code of Alabama, 1975, Section 16-25-11, which relates to the Teachers' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

By Messrs. Mitchem, Little, Denton, Britnell, Parsons, Keener, Holmes, deGraffenried, Proctor, Teague, Miller, Bailey, Martin, Gullette, Hall, Harrison, Robertson and Kirkland.

S. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Pearson and Hall (With Amendment):

S. 314. To make appropriations for the support and maintenance of the Walker County Junior College.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Barton: (With Amendments):

H. 400. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Amendment):

S. 310. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Messrs. Pearson and Goodwin (With Amendment):

S. 311. To make appropriations for the support and maintenance of the Marion Military Institute.

By Mr. Pearson (With Amendment):

S. 312. To make appropriations for the support and maintenance of the Talladega College.

By Messrs. Pearson and Little (With Amendment):

S. 313. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Mr. Harrison, Vice Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. St. John, deGraffenried, Goodwin, McDonald, Proctor, White, Callahan, Lemaster, Holmes, Harrison, Robertson, Keener, Miller, Higginbotham, Glass, Denton, Little, Gullede, Mitchem, Taylor, Pearson, Figures, Martin, Weeks, Britnell, Hall, Parsons, Cook, Barron, Teague, Kirkland, Vacca, Bailey and Smith.

S. 522. To provide that the Physician For The Day Program be exempted from the provisions of §§ 36-25-1 through 36-25-30 of the Code of Alabama, 1975; to provide that this exemption shall include physicians physically present at the Capitol as well as physicians to whom legislators are referred; and, to provide that the physician for the day or anyone administering the Physician For The Day Program shall have the right and authority to utilize the State Telephone Network.

By Mr. St. John:

S. 510. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Robertson, Britnell and Glass:

S. 250. To prescribe that the name, address, case records, payments and services to any recipient of public assistance or welfare shall be deemed a public record; to require that the Commissioner of Pensions and Security be responsible for making such records available upon the request of any citizen; to require the state department of pensions and security to pay any legal fees and costs for any person who must petition the court to obtain such records; to amend Section 38-2-6 of the Code of Alabama, 1975, so as to remove the confidentiality of such records; and to repeal conflicting laws.

By Messrs. Britnell and Denton:

S. 252. To amend Section 36-25-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Amendment):

S. 434. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Teague and Proctor:

S. 483. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

By Mr. Martin:

S. 508. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

By Reps. Ford, Dial and Barton:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

By Reps. Ford, Dial and Barton:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Roberts, Carter, Patton and Smith (C) (With Amendment):

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Roberts, Carter, Patton and Smith (C):

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

By Rep. Ray:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

By Rep. Ray:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

By Rep. Ray:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

By Rep. Patton:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

By Rep. Smith (J):

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britnell:

S. 413. To provide that before certain institutions of higher learning are created, abolished or merged with other institutions, the legislature must approve such action.

By Rep. Sasser:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

By Rep. Lewis, et al:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Mr. Barron, Vice Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 512. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays and providing for bank closings on certain holidays so as to change the date on which state banks may be closed in observance of National Memorial Day.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Substitute):

S. 18. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge (with notice and proof):

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. Turner (with notice and proof):

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

By Reps. Holley and Ray (with notice and proof):

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

By Rep. Turner (with notice and proof):

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

By Rep. Riddick (with notice and proof):

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

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By Rep. Turner (with notice and proof):

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

By Reps. Roberts, Patton, Colley and Letson (with notice and proof):

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

By Rep. Campbell (with notice and proof):

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the expense allowance of members of the civil service board.

By Rep. Cheatwood (with notice and proof):

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

By Rep. Harvey (with notice and proof):

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

By Rep. Harvey (with notice and proof):

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 480. To repeal Section 11-43-11 of the Code of Alabama 1975 which section prohibits the employment of a municipal officer by a corporation holding a franchise to use the streets of the city.

By Mr. Cook:

S. 471. To provide franchisees with certain rights and remedies in addition to those existing in contract or common law in certain business negotiations with franchisors; to prescribe regulations relating to such negotiations and to provide civil remedies for violations of such regulations.

By Mr. Keener:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Little:

S. 334. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

By Mr. Miller:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

By Mr. Miller:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act Applicable to Class 6 municipalities in the state.

By Messrs. Kirkland, Miller, Goodwin, Keener, Britnell, Denton, Robertson, Proctor, Teague, St. John, Cook, Holmes, Bailey, Taylor, Parsons and Little:

S. 367. To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

By Messrs. Kirkland and Callahan:

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

By Mr. Martin:

S. 89. To amend the title and section 1 of Act No. 79-611, H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

By Rep. Manley:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

By Rep. Ward, Laird and Turnham:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 123. RESOLVED BS THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the nineteenth legislative day only:

Bill No.	Page No.	Description
S. B. 339	62	Judges, Probate, Minimum Salary
S. B. 393	95	Soybeans
S. B. 76	62	Judicial Retirement, elig.
S. B. 341	70	Univ. of Alabama trustees
S. B. 342	52	Alabama Ed. TV Comm., expand
S. B. 188	36	Loans, alter principal
S. B. 31	5	Person may charge same int. rate as banks

S. B. 354	48	Gasohol, conservation tax break
S. B. 436	82	Mtr. Veh. reg., late fee dis.
S. B. 257	50	License Inspectors, appt.
S. B. 239	92	WEO, civil serv. merit system, am'd
S. B. 211	10	Atty, General vacancies
S. B. 43	2	Alabama Banking Code
S. B. 247	56	Corp. small claim rule
S. B. 197	31	Unempl. Comp. Act, am'd certain sect.
S. B. 237	67	Muni. Incorpor. Alter corporate limits
S. B. 193	15	Child Labor Law
S. B. 326	21	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.
S. B. 194	17	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 325	73	Torts "Good Samaritan Act".
S. B. 140	17	Ins. False statements, venue Mgt. Co.
S. B. 308	61	Savings & Loan Assoc., Int.
S. B. 210	66	County Commissions, duties, auth. etc.
S. B. 38	6	Setting of examination fees of small loan companies
S. B. 360	81	Fireman & Police Officers killed
S. B. 191	15	Indust. Rel. Dept., police powers
S. B. 192	4	Empl's., moving expenses, increase

Mr. Callahan offered the following substitute for the Resolution, S.R. 123, to-wit:

SUBSTITUTE FOR S. R. 123

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the nineteenth legislative day only:

Bill No.	Page No.	Description
S. B. 43	2	Banking Code
S. B. 339	62	Judges, Probate, Minimum Salary
S. B. 95		Soybeans
S. B. 76	62	Judicial Retirement, elig.
S. B. 341	70	Univ. of Alabama trustees
S. B. 342	52	Alabama Ed. TV Comm., expand

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S. B. 188	36	Loans, alter principal
S. B. 31	5	Person may charge same int. rate as banks
S. B. 354	48	Gasohol, conservation tax break
S. B. 436	82	Mtr. Veh. reg., late fee dis.
S. B. 257	50	License Inspectors, appt.
S. B. 239	92	WEO, civil serv. merit system, am'd
S. B. 211	10	Atty. General vacancies
S. B. 43	2	Alabama Banking Code
S. B. 247	56	Corp. small claim rule
S. B. 197	31	Unempl. Comp. Act, am'd certain sect.
S. B. 237	67	Muni. Incorp. Alter corporate limits
S. B. 193	15	Child Labor Law
S. B. 326	21	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.
S. B. 194	17	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 325	73	Torts "Good Samaritan Act".
S. B. 140	17	Ins. False statements, venue Mgt. Co.
S. B. 308	61	Savings & Loan Assoc., Int.
S. B. 210	66	County Commissions, duties, auth. etc.
S. B. 38	6	Setting of examination fees of small loan companies
S. B. 360	81	Fireman & Police Officers killed
S. B. 191	15	Indust. Rel. Dept., police powers
S. B. 192	4	Empl's., moving expenses, increase

On motion of Mr. St. John, said substitute was laid on the table.

Yeas 17: Nays 9.

Yeas:

Messrs.:	Harrison	Miller	St. John
deGraffenried	Higginbotham	Mitchem	Smith
Denton	Holmes	Parsons	Taylor
Goodwin	Keener	Pearson	Teague
Hall	Martin		

Nays:

Messrs.:	Cook	Little	Weeks
Barron	Kirkland	Robertson	White
Callahan	Lemaster		

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Mr. Callahan then offered the following substitute for the Resolution, S.R. 123, to-wit:

SUBSTITUTE FOR S.R. 123

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the nineteenth legislative day only:

Bill No.	Page No.	Description
S. B. 43	2	Banking Code
S. B. 339	62	Judges, Probate, Minimum Salary
S. B. 175	13	Callahan Bill
S. B. 393	95	Soybeans
S. B. 225	43	Callahan Bill
S. B. 76	62	Judicial Retirement, elig.
S. B. 248	46	Callahan Bill
S. B. 341	70	Univ. of Alabama trustees
S. B. 414	75	Callahan Bill
S. B. 342	52	Alabama Ed. TV Comm., expand
S. B. 188	36	Loans, alter principal
S. B. 31	5	Person may charge same int. rate as banks
S. B. 354	48	Gasohol, conservation tax break
S. B. 436	82	Mtr. Veh. reg., late fee dis.
S. B. 257	50	License Inspectors, appt.
S. B. 239	92	WEO, civil serv. merit system am'd
S. B. 211	10	Atty. General vacancies
S. B. 43	2	Alabama Banking Code
S. B. 247	56	Corp. small claim rule
S. B. 197	31	Unempl. Comp. Act, am'd certain sect.
S. B. 237	67	Muni. Incorpor. Alter corporate limits
S. B. 193	15	Child Labor Law
S. B. 326	21	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.

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S. B. 194	17	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 325	73	Torts "Good Samaritan Act".
S. B. 140	17	Ins. False statements, venue Mgt. Co.
S. B. 308	61	Savings & Loan Assoc., Int.
S. B. 210	66	County Commissions, duties, auth. etc.
S. B. 38	6	Setting of examination fees of small loan companies
S. B. 360	81	Fireman & Police Officers killed
S. B. 191	15	Indust. Rel. Dept., police powers
S. B. 192	4	Empl's., moving expenses, increase

On motion of Mr. St. John, said substitute was laid on the table.

Yeas 17; Nays 7.

Yeas:

Messrs.:	Harrison	Mitchem	Smith
deGraffenried	Higginbotham	Parsons	Taylor
Denton	Holmes	Pearson	Teague
Goodwin	Lemaster	St. John	Vacca
Hall	Miller		

--17

Nays:

Messrs.:	Callahan	Little	Weeks
Barron	Kirkland	Robertson	White

--7

Mr. Callahan then offered the following substitute for the Resolution, S.R. 123, to-wit:

SUBSTITUTE FOR S.R. 123

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the nineteenth legislative day only:

Bill No.	Page No.	Description
S. B. 43	2	Banking Code
S. B. 339	62	Judges, Probate, Minimum Salary
S. P. 380	106	Indian Mounds
S. B. 393	95	Soybeans
S. P. 367	105	Woodland Burning
S. B. 76	62	Judicial Retirement, elig.

S. B. 341	70	Univ. of Alabama trustees
S. B. 342	52	Alabama Ed. TV Comm., expand
S. B. 188	36	Loans, alter principal
S. B. 31	5	Person may charge same int. rate as banks
S. B. 354	48	Gasohol, conservation tax break
S. B. 436	82	Mtr. Veh. reg., late fee dis.
S. B. 257	50	License Inspectors, appt.
S. B. 239	92	WEO, civil serv. merit system, am'd
S. B. 211	10	Atty. General vacancies
S. B. 43	2	Alabama Banking Code
S. B. 247	56	Corp. small claim rule
S. B. 197	31	Unempl. Comp. Act, am'd certain sect.
S. B. 237	67	Muni. Incorp. Alter corporate limits
S. B. 193	15	Child Labor Law
S. B. 326	21	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.
S. B. 194	17	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 325	73	Torts "Good Samaritan Act".
S. B. 140	17	Ins. False statements, venue Mgt. Co.
S. B. 308	61	Savings & Loan Assoc., Int.
S. B. 210	66	County Commissions, duties, auth. etc.
S. B. 38	6	Setting of examination fees of small loan companies
S. B. 360	81	Fireman & Police Officers killed
S. B. 191	15	Indust. Rel. Dept., police powers
S. B. 192	4	Empl's., moving expenses, increase

On motion of Mr. St. John, said substitute was laid on the table.

And on motion of Mr. St. John, the Resolution, S.R. 123, was then adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 130. CONGRATULATING 2A COACH OF THE YEAR RON WATTERS, AND HIS RANDOLPH COUNTY HIGH SCHOOL TIGERS.

On motion of Mr. Little, said Resolution was then concurred in and adopted by the Senate.

LOCAL BILLS
BILLS ON THIRD READING

The Bill:

S. 440. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25: Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Barron	Gulledge	Mitchem	Taylor
Callahan	Hall	Parsons	Teague
Clemon	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Kirkland	St. John	White
Figures	Little		—25
Nays:			—0

CONSENT CALENDAR

The Bill:

S. 334. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

was taken up.

Mr. Little moved that the Rules be suspended in order to postpone further consideration of the Bill, S.B. 334, temporarily. Upon objections of three Senators (Rule 36), the motion to suspend the Rules failed.

And said Bill, S.B. 334, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 10; Nays 7.

Yeas:

Messrs.:	Denton	Holmes	Little
Barron	Hall	Kirkland	Vacca
Britnell	Harrison		—10
Callahan			

Nays:

Messrs.:	Miller	St. John	Taylor
Higginbotham	Mitchem	Smith	White

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(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

MOTIONS IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 222, on page 50 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 222, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 307, on page 90 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 307, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hall then offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 199, on page 90 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 199, referred to the Standing Committee on Rules for placement on the Consent Calendar.

QUORUM CALL REQUESTED

At 4:12 P.M., Mr. Weeks requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs.:	Hall	Little	St. John
Barron	Harrison	Martin	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Kirkland	Robertson	Weeks
Goodwin	Lemaster		

—25

RULES ON THIRD READING RESUMED

The Bill:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Hall	Martin	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Mitchem	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Kirkland	Robertson	White.
Goodwin	Lemaster	St. John	

—22

Nay: Mr. Little —1

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporations in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. J. R. 100. PROVIDING THAT THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY AUTHORIZE NOT MORE THAN TWO SENATORS AND NOT MORE THAN TWO HOUSE MEMBERS TO ATTEND THE APRIL 11, 1980, SEMINAR IN COLUMBUS, OHIO, ON ISSUES FACING THE STEEL INDUSTRY, AND PROVIDING FOR REIMBURSEMENT OF ORDINARY AND NECESSARY EXPENSES.

Also:

S. J. R. 102. COMMENDING THE RANDOLPH COUNTY HIGH SCHOOL TIGERS, 1979 FOOTBALL CHAMPIONS.

Also:

S. J. R. 105. CREATING A COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

Also:

S. J. R. 106. CONGRATULATING THE EMPLOYEES OF COVINGTON ELECTRIC COOPERATIVE ON THEIR OUTSTANDING SAFETY RECORD.

Also:

S. J. R. 107. MOURNING THE DEATH OF MR. MANUEL R. RUSSO OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 113. CREATING THE MORGAN COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 120. CONGRATULATING AND COMMENDING THE STUDENTS OF AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, SEVEN TIMES NATIONAL BLOOD DRIVE CHAMPIONS.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants of a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing

that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

was taken up.

On motion of Mr. Miller, the Rules were suspended and further consideration of the Bill, S.B. 327, was postponed temporarily.

The Bill:

S. 367. To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions in a Class C felony; and to prescribe penalties therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Britnell	Higginbotham	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	White
Goodwin	Lemaster	St. John	

—26

Nays: —0

The Bill:

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Robertson
Barron	Harrison	Little	St. John
Britnell	Higginbotham	Martin	Smith
Callahan	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White
Goodwin			

—24

Nays: —0

The Bill:

S. 89. To amend the title and section 1 of Act No. 79-611, H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John	
Barron	Hall	Miller	Smith	
Barton	Harrison	Mitchem	Taylor	
Britnell	Higginbotham	Parsons	Weeks	
Callahan	Holmes	Robertson	White	
deGraffenried	Little			—21
Denton				

Nays:

—0

The Bill:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith	
Barron	Harrison	Martin	Taylor	
Britnell	Higginbotham	Parsons	Teague	
Callahan	Holmes	Robertson	Weeks	
deGraffenried	Keener	St. John	White	
Denton				—21
Goodwin				

Nays:

—0

The Bill:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

was read a third time at length and passed.

REGULAR SESSION
19th Day

901

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Barron	Higginbotham	Mitchem	Taylor
Callahan	Holmes	Parsons	Teague
deGraffenried	Keener	Robertson	Weeks
Denton	Lemaster	St. John	White
Goodwin			

—20

Nays: —0

FURTHER CONSIDERATION
OF S.B. 327

The Senate proceeded to further consideration of the Bill, S.B. 327.

And said Bill, S.B. 327, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Barron	Harrison	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Callahan	Holmes	Miller	Teague
Denton	Keener	Mitchem	White
Goodwin	Lemaster	Parsons	

—22

Nays: —0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 98. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

And said Bill, S.B. 98, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	St. John
Barron	Harrison	Little	Smith
Britnell	Higginbotham	Miller	Taylor
Denton	Holmes	Mitchem	Weeks
Goodwin	Keener	Parsons	White

—19

Nays: —0

MOTION IN WRITING

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 84, on page 69 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 84, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

By Rep. Owens:

H. 536. To make appropriations for the support and maintenance of the Talladega College.

Also:

By Rep. Owens:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

By Rep. Owens:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

By Reps. Owens and Reed:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 537, 536, 534, 535, and 538. To the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (with notice and proof):

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 749, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Brakefield (with notice and proof):

H. 795. Relating to Walker County; to provide for the City of Parrish in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 795, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 822, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Brakefield and Bowling (with notice and proof):

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 827, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Clark (W) (with notice and proof):

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 793, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cheatwood (with notice and proof):

H. 462. Relating to Jefferson County; to allow motor vehicle dealers, firms or wrecker or repair services that have abandoned motor vehicles on their property, to effectuate a public auction of such vehicles by advertising such vehicles in compliance with the notice of sale requirements of Code Section 32-13-4 and showing proof thereof to the judge of probate.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 462, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mitchell (with notice and proof):

H. 73. Relating to Tuscaloosa County and any city located therein; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 73, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (Roy) (with notice and proof):

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 802, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 749, 795, 822, 827, 793, 73, and 802. To the Committee on Local Legislation No. 1

H. B. 462. To the Committee on Local Legislation No. 2

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 339. To provide for a minimum salary for certain probate judges.

Mr. Teague offered the following amendment to the Bill, S.B. 339, to-wit:

AMENDMENT TO S. B. 339

Amend S. 339 as follows:

On page one, line 21, before the word "salary add the word: total
and after the word "salary":

, for serving as chairman and probate judge,

Which was adopted.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Goodwin	Kirkland	Parsons
Barron	Hall	Little	St. John
Britnell	Higginbotham	Martin	Smith
Callahan	Holmes	Miller	Teague
Cook	Keener	Mitchem	White
deGraffenried			—21
Denton			

Nay: Mr. Taylor. —1

And said Bill, S.B. 339, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 4.

Yeas:

Messrs.:	Harrison	Little	Robertson
Callahan	Higginbotham	Martin	St. John
deGraffenried	Holmes	Miller	Smith
Glass	Keener	Pearson	Teague
Goodwin	Kirkland	Proctor	White
Hall	Lemaster		—21

Nays: Messrs.: Barron, Britnell, Denton, Taylor. —4

The Bill:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Pearson	
Barron	Goodwin	Kirkland	Proctor	
Britnell	Hall	Lemaster	Smith	
Callahan	Harrison	Little	Taylor	
Cook	Higginbotham	Miller	White	
deGraffenried	Holmes	Mitchem		—22

Nays —0

The Bill:

S. 76. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 2.

Abstaining 1.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Barron	Goodwin	Martin	Robertson	
Britnell	Harrison	Miller	St. John	
Callahan	Holmes	Mitchem	Taylor	
deGraffenried	Keener	Pearson	White	
Denton				—20

Nays: Messrs.: Little, Parsons. —2

Abstaining: Mr. Higginbotham. —1

The Bill:

S. 341. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their appointment.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S.B. 341, to-wit:

COMMITTEE AMENDMENT TO S. B. 341

Amend S. 341 by adding after the word governor on line 7 of page 2 the following: "and confirmed by the senate".

Further amend S. 341 on line 8 of page 2 by changing the line to read as follows: "follows: Two (2) members for two (2) years; three (3)"

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Pearson then offered the following substitute for the Bill, S.B. 341, to-wit:

SUBSTITUTE FOR S. B. 341

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their appointment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT TO
ARTICLE XIV, SECTION 264
CONSTITUTION OF ALABAMA, 1901

Section 264. The state university shall be under the management and control of a board of trustees, which shall consist of two members from the each congressional district in the state and three members from the congressional districts in which the university or any branch is located, one from each of the other congressional districts in the state, the superintendent of education, and the governor, who shall be ex officio president of the board. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. Successors to those trustees whose terms expire in nineteen hundred and two shall hold office until nineteen hundred and seven; successors to those trustees whose terms expire in nineteen hundred and four shall hold office until nineteen hundred and eleven; successors to those trustees whose terms expire in nineteen hundred and six shall hold office until nineteen hundred and fifteen; and thereafter their successors shall hold office for a term of twelve years. When

the term of any member of such board shall expire, the remaining members of the board shall, by secret ballot, elect his successor; provided, that any trustee so elected shall hold office from the date of his election until his confirmation or rejection by the senate, and, if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the legislature the superintendent of education shall certify forthwith to the senate the names of all who shall have been so elected since the last session of the legislature or during the current session, and the senate shall confirm or reject them, as it shall determine is for the best interest of the university. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. In case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the board shall elect his successor, who shall hold office until the next session of the legislature. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Mr. deGraffenried offered the following amendment to the substitute for the Bill, S. B. 341, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 341

On page 2, line 5, after the period, add the following:

Two of the three members from the seventh congressional district must reside within Tuscaloosa County.

Which was adopted.

Mr. deGraffenried then offered the following amendment to the substitute, as amended, for Bill, S. B. 341, to-wit:

AMENDMENT TO SUBSTITUTE AS AMENDED, FOR S. B. 341.

Amend Substitute for S. 341 as follows:

On page three, after the word "such." on line 5 add the following:

Except for any person serving as trustee on the effective date of this act, any trustee upon reaching the age of the seventy years shall vacate his office immediately.

Which was adopted.

Mr. deGraffenried then offered the following amendment to the substitute, as amendmended, for the Bill, S. B. 341, to-wit:

AMENDMENT TO SUBSTITUTE AS AMENDED, FOR S. B. 341

On page three, in lines 16 and 17 strike the words "and thereafter their" and on line 17 after the word "successors" add the words to those trustees

On line 18, after the period add the following: thereafter, beginning with the term of any trustee elected after the ratification of this amendment, except those serving on the effective date of this amendment, each term shall be for six years with eligibility to succeed themselves for one term upon election and confirmation by the senate.

Which was adopted.

MOTION TO ADJOURN LOST

At 8:10 P.M., Mr. Callahan moved that the Senate adjourn until Tuesday, April 8, 1980, at 1 o'clock P.M., which motion was lost.

Yeas 9; Nays 17.

Yeas:

Messrs.:	Cook	Keener	Taylor
Barron	deGraffenried	Little	White
Callahan	Goodwin		

—9

Nays:

Messrs.:	Higginbotham	Miller	Proctor
Britnell	Holmes	Mitchem	Robertson
Denton	Kirkland	Parsons	St. John
Figures	Lemaster	Pearson	Teague
Harrison	Martin		

—17

FURTHER CONSIDERATION OF S. B. 341

The Senate proceeded to further consideration of the Bill, S.B. 341. The question was on the substitute, as amended, offered by Mr. Pearson.

Mr. Robertson offered the following amendment to the substitute, as amended, for the Bill, S.B. 341, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 341

Amend substitute, as amended, for Senate Bill No. 341, Page 1, Line 36, by striking out after the word University or any branch is located and insert in Lieu thereof the following language:

University of Alabama, Tuscaloosa

University of Alabama, Birmingham

University of Alabama, Huntsville.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Proctor	
Britnell	Harrison	Miller	Robertson	
deGraffenried	Higginbotham	Mitchem	St. John	
Denton	Holmes	Parsons	Teague	
Figures	Keener	Pearson		—18

Nay: Mr. Lemaster —1

And said Bill, S.B. 341, as thus amended by the substitute, as amended, was read a third time at length as required by the Constitution and lost, for failure to receive a two-thirds majority.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Parsons	
Britnell	Goodwin	Little	Pearson	
Cook	Higginbotham	Martin	Robertson	
deGraffenried	Holmes	Miller	St. John	
Denton	Keener	Mitchem	Teague	—19

Nay: Mr. White —1

The Bill:

S. 342. To amend 16-7-2, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven to conform to the congressional districts in the state.

was taken up.

ADJOURNMENT

At 8:20 P.M., on motion of Mr. Callahan, in accordance with Joint Resolution heretofore adopted, and pending the Bill, S.B. 342, the Senate adjourned until Tuesday, April 8, 1980, at 1:05 P.M.

TWENTIETH LEGISLATIVE DAY

TUESDAY, APRIL 8, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend John A. Cooper, Minister of Education, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Glass	Kirkland	Pearson	Weeks
Goodwin	Lemaster	Proctor	White

—31

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

REPORT OF COMMITTEE
ON RULES
ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Callahan, Clemon, Cook, and Figures for today.

RESOLUTIONS

Mr. St. John offered the following Senate Resolution, to-wit:

S. R. 124. WISHING A VERY HAPPY BIRTHDAY TO MRS. DOT WHITT.

Which was adopted.

Mr. Holmes offered the following Senate Resolutions, to-wit:

S. R. 125. CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

Also:

S. R. 126. COMMENDING MISS DEBORAH JEAN KAY, JACKSONVILLE STATE UNIVERSITY'S NEWLY ELECTED PRESIDENT OF SGA.

Which were adopted.

MOTION IN WRITING

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 513, on page 122 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 513, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 127. COMMENDING GIA REYNOLDS OF DESHLER HIGH SCHOOL IN TUSCUMBIA, ALABAMA.

Which was adopted.

MOTIONS IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 399, on page 81 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 399, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald then offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 505, on page 101 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 505, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Messrs.: Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 128. COMMENDING DEAN KATHARINE C. CATER FOR LOYALTY AND DEVOTION TO AUBURN UNIVERSITY.

WHEREAS, Dean Katharine Cooper Cater served for many years as Dean of Women at Auburn University and continues to serve as Dean of Social Life, and

WHEREAS, this outstanding lady has counseled and advised thousands of Auburn students since arriving at Auburn in 1946, and

WHEREAS, this native of Macon, Georgia, has greatly enriched the state of Alabama with her infectious personality and generous dedication to others, and

WHEREAS, Dean Cater has served as national president of Alpha Lambda Delta and was given the Algernon Sydney Sullivan Award in 1975 for "her efforts to make Auburn a better place in which to live and study," and

WHEREAS, the AU Board of Trustees voted unanimously at its meeting on March 17, 1980, to name the Social Center at AU for Dean Cater, now therefore

BE IT RESOLVED that the Legislature of Alabama, both houses thereof concurring, congratulate Miss Cater for her loyalty and devotion to Auburn University and its students and reaffirm the Board's decision to name this building the Katharine C. Cater Hall.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Dean Cater so that she might know of our high regard for her service to the people of Alabama.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Proctor and Teague offered the following Senate Resolution, to-wit:

S. R. 129. COMMENDING YOUNG MISS JULIE CONNELL OF SYLACAUGA, ALABAMA.

Which was adopted.

MOTION IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 251, on page 101 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 251, referred to the Standing Committee on Rules for placement on the Consent Calendar.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Keener:

S. 539. To amend further Sections 12-21-281 through 12-21-283 of the Code of Alabama 1975, so as to further define witness and to provide for the manner that prisoners in another state may be called to testify as witnesses in a criminal proceeding in Alabama.

Committee on Judiciary.

By Messrs. Proctor and Parsons

S. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

Committee on Finance and Taxation.

By Mr. Mitchem (with notice and proof):

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 541, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Teague, Denton and Keener:

S. 542. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Taylor (with notice and proof):

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S.B. 543, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL Lee,
Secretary.

BILL RECONSIDERED

Mr. White offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Having voted on the prevailing side of Senate Bill 341, I now hereby move that this bill be reconsidered.

Which was adopted, and the Senate reconsidered the Bill:

S. 341. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their appointment.

As amended by the Pearson substitute, as amended, which said substitute is set out in the Journal of the Senate for the Nineteenth Legislative Day.

On motion of Mr. White, the Senate reconsidered the vote by which the Bill, S.B. 341 was ordered to its third reading.

Mr. White then offered the following substitute for the Bill, S.B. 341, as amended, to-wit:

SUBSTITUTE FOR S.B. 341

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their election.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT TO
ARTICLE XIV, SECTION 264
CONSTITUTION OF ALABAMA, 1901

Section 264. The state university shall be under the management and control of a board of trustees, which shall consist of two members from the each congressional district in which the university is located, one from each of the congressional districts in the state, the superintendent of education, and the governor, who shall be ex officio president of the board. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall

be elected and confirmed as hereinafter required. The additional trustees provided for by this amendment shall be elected by the existing board members (and confirmed by the senate in the manner provided below) for initial terms of not more than twelve years established by the board so that one term expire each six years in each congressional district. Successors to those trustees whose terms expire in nineteen hundred and two shall hold office until nineteen hundred and seven; successors to those trustees whose terms expire in nineteen hundred and four shall hold office until nineteen hundred and eleven; successors to those trustees whose terms expire in nineteen hundred and six shall hold office until nineteen hundred and fifteen; and thereafter their Successors elected upon the expiration of the term of any existing or additional trustee shall hold office for a term of twelve years. When the term of any member of such board shall expire, the remaining members of the board shall, by secret ballot elect his successor; provided, that any trustee so elected shall hold office from the date of his election until his confirmation or rejection by the senate, and, if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the legislature the superintendent of education shall certify to the senate the names of all who shall have been so elected since the last session of the legislature, and the senate shall confirm or reject them, as it shall determine is for the best interest of the university. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. In case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the board shall elect his successor, who shall hold office until the next session of the legislature. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

Section 2. An election upon proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Mr. deGraffenried offered the following amendment to the substitute for the Bill, S.B. 341, as amended, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. 341, AS AMENDED

Amend substitute for S.B. 341 as follows:

On page 2, in the second line after the period add:

at least one of the two members from the seventh congressional district must reside within Tuscaloosa County.

Which was adopted.

Mr. deGraffenried then offered the following amendment to the substitute, as amended, for the Bill, S.B. 341, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 341, AS AMENDED

Amend substitute, as amended, for S.B. 341 as follows:

On page 3, in line 5 after the period, add the following:

Except for any person serving as trustee on the effective date of this act, any trustee, or his successor, upon reaching the age of seventy years shall vacate his office immediately.

Which was adopted.

Mr. deGraffenried then offered the following amendment to the substitute, as amended, for the Bill, S.B. 341, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 341, AS AMENDED

Amend substitute, as amended, for S.B. 341 as follows:

On page two, in line 6, after the word "trustees" add:

and their successors,

and in line 7 "amendment" add a comma

and in line 9 after the word "years" add a semi-colon and delete the remainder of the sentence and add: no such additional trustee, or their successors in office shall be eligible to succeed themselves. The board shall establish terms so that one term shall expire each twelve years in each congressional district.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

Also:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Also:

H. J. R. 130. CONGRATULATING 2A COACH OF THE YEAR RON WATERS, AND HIS RANDOLPH COUNTY HIGH SCHOOL TIGERS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H.J.R. 106, Act 80-119, the Speaker of the House has appointed as Committee on the part of the House Messrs. Daniels, Hammett, Harvey, Pegues and Sandusky.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 96. CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

Also:

S. J. R. 114. CONGRATULATING AND COMMENDING MISS ANNETTA LEAH SPARKS, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

S. J. R. 115. CONGRATULATING AND COMMENDING MISS KENDALL HOPE SWANN, NATIONAL "LITTLE MISS PEANUT."

Also:

S. J. R. 116. CONGRATULATING MRS. BOWDEN SESSIONS, NATIONAL PEANUT FESTIVAL RECIPE CONTEST WINNER.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 341

The Senate proceeded to further consideration of the Bill, S.B. 341, as amended. The question was on the amendment offered by Mr. deGraffenried to the White substitute, as amended.

MOTION IN WRITING

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 466, on page 91 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 466, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Messrs. Hall, Vacca, and Parsons offered the following Senate Resolutions, to-wit:

S. R. 130. CONGRATULATING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR PRESTIGIOUS RANKING IN THE NATIONAL JUNIOR COLLEGE BASKETBALL TOURNAMENT.

Also:

S. R. 131. COMMENDING PHI THETA KAPPA HONORARY AT JEFFERSON STATE JUNIOR COLLEGE.

Also:

S. R. 132. COMMENDING THE MEMBERS OF THE JEFFERSON STATE JUNIOR COLLEGE TRACK TEAM.

Also:

S. R. 133. RECOGNIZING THE WOMEN'S GYMNASTICS TEAM OF JEFFERSON STATE JUNIOR COLLEGE FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 134. HONORING THE CLASS A REGIONAL CHAMPIONS OF JEFFERSON STATE'S SPEECH AND DEBATE TEAM.

Which were adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, MEDICAID AND SOCIAL PROGRAMS, FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFOR INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 341.

The Senate proceeded to further consideration of the Bill, S. B. 341, as amended. The question was on the amendment offered by Mr. deGraffenried to the White substitute, as amended.

REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Ward, et al (With Amendment):

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and

cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

By Messrs. Taylor, Goodwin, Higginbotham, Weeks, Denton, Keener, Bailey, Martin and Mitchem (With Amendment):

S. 497. To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of '79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Willis:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes (with notice and proof):

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

By Rep. Adams (H) (with notice and proof):

H. 751. To amend Section 10 of Act No. 787, H. 1057, of the 1979 Regular Session, which relates to an increase in sales tax for Cherokee County so as to provide that one-half of the tax proceeds shall go to the county and one-half to the County Board of Education; and to make this act retroactive.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Figures:

S. 369. To provide for exemption of certain school days missed due to natural disasters.

By Mr. McDonald:

S. 385. To amend Sections 11-58-1 and 11-58-2 of the Code of Alabama, 1975, relating to medical clinic boards so as to expand the language setting forth the purpose of the chapter to make it clear that it is intended to promote the public health and welfare, and also to redefine the term "Medical Clinic" to include facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped or mentally ill or retarded, such as retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, whether or not any such facilities is required to be approved or licensed by any governmental agency.

By Mr. Callahan:

S. 414. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private helath care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 155. COMMENDING DR. LARRY LEWISKI, WOMEN'S BASKETBALL COACH AT GADSDEN STATE JUNIOR COLLEGE AND COACH OF THE YEAR, NORTHERN DIVISION, AJCAA.

Also:

H. J. R. 156. HONORING COACH OF THE YEAR STAN COOK OF GADSDEN STATE JUNIOR COLLEGE.

Also:

H. J. R. 157. HONORING COLONEL RICHARD A PEACOCK OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 159. CONGRATULATING AND COMMENDING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 162. Commending Marengo County Sheriff William H. Smith, Jr., for his outstanding accomplishments in the area of penal reform.

Also:

H. J. R. 164. DESIGNATING THE WEEK OF OCTOBER 7-12, 1980, AS "CALHOUN COUNTY INDUSTRY WEEK."

Also:

H. J. R. 165. CONGRATULATING AND COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM, OUTSTANDING IN NCAA COMPETITION.

Also:

H. J. R. 166. MOURNING THE DEATH OF MARK WISE OF ANDALUSIA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MOTION TO ADJOURN

Mr. Goodwin moved that upon completion of the Joint Session, the Senate adjourn until Thursday, April 10, 1980, at 12 o'clock Noon, which motion was adopted.

FURTHER CONSIDERATION OF S. B. 341

The Senate proceeded to further consideration of the Bill, S. B. 341, as amended. The question was on the amendment offered by Mr. deGraffenried to the White substitute, as amended.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 91

S. J. R. 92

Delivered to the Governor, March 20, 1980, at 1:00 P.M.

S. B. 299

S. B. 4

S. J. R. 46

S. J. R. 47

S. J. R. 51

S. J. R. 55

S. J. R. 62

Delivered to the Governor, March 27, 1980, at 9:35 A.M.

S. B. 306

S. B. 317

S. B. 207

S. J. R. 100

S. J. R. 102

S. J. R. 105

S. J. R. 106

S. J. R. 107

S. J. R. 113

S. J. R. 120

Delivered to the Governor, April 8, 1980, at 1:45 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

JOINT SESSION

At 2:55 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of meeting with the Alabama Congressional Delegation.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Congressional Delegation was escorted to the rostrum and the meeting proceeded.

ADJOURNMENT

The purpose of the Joint Session having been accomplished, at 5 o'clock P.M., in accordance with motion and Joint Resolution heretofore adopted, and pending further consideration of the Bills, S.B.'s 341 and 342, the Senate adjourned until Thursday, April 10, 1980, at 12 o'clock Noon.

TWENTY-FIRST LEGISLATIVE DAY

THURSDAY, APRIL 10, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend James K. Ward, Minister, First Christian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Glass	Lemaster		

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JOURNAL

On motion of Mr. Keener, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Keener, leave of absence was granted Messrs. Callahan and Clemon for today.

MOTIONS IN WRITING

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 319, on page 115 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 319, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Keener then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 230, on page 116 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 230, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 135. MOURNING THE DEATH OF MR. CARL ANDY JENSEN OF ELBERTA, BALDWIN COUNTY, ALABAMA.

Which was adopted.

Mr. Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 136. CONGRATULATING MR. AND MRS. HENRY VIRGIL DENNIS ON THEIR FORTIETH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama is pleased to note the 40th wedding anniversary, on April 6, 1980, of Mr. and Mrs. H. V. Dennis of Montgomery, Alabama; and

WHEREAS, Geraldine Melba and Henry Virgil Dennis were married in Deatsville, Elmore County, Alabama, on April 6, 1940, and have since lived their lives as one; devoted to one another and faithful to their marriage vows, they have set an enviable example for others to follow; and

WHEREAS, though Mr. Dennis is retired, Mrs. Dennis is an employee of the State of Alabama and of the Department of Public Safety for some ten years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Montgomery, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. and Mrs. H. V. Dennis that they may know of our congratulations and warm best wishes.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Br. Britnell offered the following Senate Resolution, to-wit:

S. R. 137. EXTENDING BEST WISHES FOR A HAPPY BIRTHDAY TO STEVEN STRINGER, ONE OF ALABAMA'S MOST OUTSTANDING YOUNG MUSICIANS.

Which was adopted.

Messrs. Little, Higginbotham, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 138. HONORING DR. HARRY MELVIN PHILPOTT FOR DISTINGUISHED SERVICE AS PRESIDENT OF AUBURN UNIVERSITY.

WHEREAS, a native of Bassett, Virginia, Harry Melvin Philpott was educated in the public schools of Lexington, North Carolina, received his A.B. Degree, graduating Cum Laude, from Washington and Lee University, and earned his Ph.D. Degree from Yale University in 1947; he additionally has been awarded honorary degrees by Stetson University, Washington and Lee, the Universities of Florida and Alabama, and by Samford University; and

WHEREAS, designated an Honorary Alumnus of the University of Florida, he also has been named Alabama Educator of the Year by Kappa Phi Kappa and Citizen of the Year by the Alabama Broadcasters Association; he is a member of the Alabama Academy of Honor, the Alabama District Exchange Court of Honor and, in 1972, was awarded a prestigious Danforth Short Term Leave Grant to travel extensively in the Orient; and

WHEREAS, Dr. Philpott is a member of numerous professional fraternities and honor societies and, throughout his career, has been deeply involved in other professional activities, serving in various capacities of leadership on statewide, regional and national levels, including the presidency in 1976-77 of the National Association of State Universities and Land-Grant Colleges, a signal honor indeed; and

WHEREAS, Dr. Harry Philpott, however, has most prominently contributed to the State of Alabama and its citizens through his long tenure, since 1965, as the beloved President of Auburn University, following professional association with Washington and Lee, Stephens College and the University of Florida; and

WHEREAS, in the past fifteen years, Auburn's total operational budget has more than tripled, its permanent endowment fund has increased some six-fold and organized research has increased in value more than \$10 million; the building program has expanded to include a Montgomery campus, 28 new buildings and five major additions on the main campus, with the acquisition of more than 3,000 acres of land for the programs of the Agricultural Experiment Station; and

WHEREAS, enrollment at Auburn has increased to a total of 22,500 students, more than 18,000 of which are on the main campus at Auburn, the largest by far in the State of Alabama; and

WHEREAS, as an able leader, dedicated to the continuing improvement of higher education, Dr. Philpott has directed Auburn University, with its fully accredited instructional program, to become totally responsive to the needs of our state and the entire Southeastern region; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his life-long dedication to higher education and in deep gratitude for devoted service to Auburn University, we hereby most highly praise and commend Dr. Harry Melvin Philpott.

BE IT FURTHER RESOLVED, That Dr. Philpott receive a copy of this resolution, bestowed in acclaim and as an expression of the high regard in which he is held by the Alabama Legislature.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 51, on page 77 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 51, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Goodwin then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 484, on page 97 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 484, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Goodwin then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 173, on page 30 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 173, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. Little, Harrison, Barron, Bailey, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 139. COMMENDING DR. HANLY FUNDERBURK ON HIS SELECTION TO LEAD AUBURN UNIVERSITY AS ITS TWENTIETH PRESIDENT.

WHEREAS, in pleased concurrence, the Legislature of Alabama notes the selection of Dr. Hanly Funderburk as President of Auburn University, succeeding Dr. Harry Philpott who is retiring; and

WHEREAS, a native of Carrollton in Pickens County, Alabama, Dr. Funderburk holds a B.S. degree in agricultural science and a Master's degree in botany, both of which he earned at Auburn University, and a Doctorate from Louisiana State University; and

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WHEREAS, eminently qualified as an educator, Dr. Funderburk also is well experienced both as an administrator and in building university programs, having served as Chancellor of Auburn University in Montgomery since its inception in 1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Hanly Funderburk as president of Auburn University with congratulations extended; we further direct that Dr. Funderburk receive a copy of this resolution in pledge of our support and as evidence of our sincere praise and high regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel James D. Shepherd to the rank of Brigadier General in the Alabama Air National Guard.

On motion of Mr. McDonald, the appointment of Colonel Shepherd was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Barron	Gulledge	McDonald	Robertson
Cook	Hall	Miller	Smith
deGraffenried	Holmes	Parsons	Taylor
Denton	Keener	Pearson	White

—19

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Robert Lee Lott, III to the rank of Brigadier General in the Alabama Air National Guard.

On motion of Mr. McDonald, the appointment of Colonel Lott was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	St. John
Barron	Hall	Mitchem	Smith
Cook	Holmes	Parsons	Taylor
deGraffenried	Keener	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	Robertson	White
Goodwin			

—24

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Sam I. Diamond, Jr. as a member of the Securities Commission.

On motion of Mr. McDonald, the appointment of Mr. Diamond was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Miller	St. John	
Bailey	Harrison	Mitchem	Smith	
Barron	Holmes	Parsons	Taylor	
Cook	Keener	Pearson	Vacca	
Denton	Little	Proctor	White	
Goodwin	Martin	Robertson		—22

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Frank E. Lindstrom and Dr. John H. Winston, Jr. as members of the Water Improvement Commission.

On motion of Mr. McDonald, the appointment of Mr. Lindstrom was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Robertson	
Barron	Hall	McDonald	St. John	
Britnell	Harrison	Miller	Smith	
Cook	Holmes	Mitchem	Taylor	
deGraffenried	Keener	Parsons	Vacca	
Denton	Lemaster	Pearson	White	
Glass	Little	Proctor		—26

Nays: —0

On motion of Mr. McDonald, the appointment of Dr. Winston was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Robertson	
Barron	Hall	McDonald	St. John	
Britnell	Harrison	Miller	Smith	
Cook	Holmes	Mitchem	Taylor	
deGraffenried	Keener	Parsons	Vacca	
Denton	Lemaster	Pearson	White	
Glass	Little	Proctor		—26

Nays: —0

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Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit;

Appointments of Dr. C. Paul Graham, Mr. Roy S. Stevens, and Mr. J. Ernest Farnell as members of the Air Pollution Control Commission.

On motion of Mr. McDonald, the appointment of Dr. Graham was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Barron	Harrison	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Cook	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Vacca
Goodwin	Lemaster	Pearson	Weeks
Gulledge	Little	Proctor	White
			—27

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Stevens was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Barron	Harrison	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Cook	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Vacca
Goodwin	Lemaster	Pearson	Weeks
Gulledge	Little	Proctor	White
			—27

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Farnell was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Barron	Harrison	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Cook	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Vacca
Goodwin	Lemaster	Pearson	Weeks
Gulledge	Little	Proctor	White
			—27

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Thomas A. Simpson and Dr. Wilbur B. DeVall as members of the Surface Mining Reclamation Commission.

On motion of Mr. McDonald, the appointment of Mr. Simpson was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Miller	St. John
Barron	Higginbotham	Mitchem	Smith
Cook	Holmes	Parsons	Taylor
Denton	Little	Pearson	Teague
Figures	Martin	Proctor	Vacca
Goodwin	McDonald	Robertson	White
Gulledge			—24

Nays: —0

On motion of Mr. McDonald, the appointment of Dr. DeVall was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Miller	St. John
Barron	Higginbotham	Mitchem	Smith
Cook	Holmes	Parsons	Taylor
Denton	Little	Pearson	Teague
Figures	Martin	Proctor	Vacca
Goodwin	McDonald	Robertson	White
Gulledge			—24

Nays: —0

MOTION IN WRITING

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 286, on page 85 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 286, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 140. REQUESTING THAT THE COMMISSIONER OF AGRICULTURE AND INDUSTRIES WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE AND INDUSTRIES PROMULGATE RULES AND REGULATIONS REQUIRING RETAIL SELLERS OF GASOLINE THAT DISPENSE SUCH FUELS BY LITER, TO ALSO POST ON THEIR PUMPS THE PRICE OF SAID FUEL BY THE GALLON.

WHEREAS, the Commissioner of Agriculture and Industries, through the authority of the State Board of Agriculture and Industries has the duty and authority to regulate the sale of gasoline and other liquid motor vehicle fuels to include the regulation of proper measurement and standards of said fuels.

WHEREAS, the Commissioner of Agriculture and Industries has the added duty of enforcing the provisions of Section 8-17-152, Code of Alabama 1975, which requires the seller of gasoline or liquid motor vehicle fuels to conspicuously and plainly post on the pump the price of such product.

WHEREAS, a substantial number of retail sellers of gasoline or liquid motor vehicle fuels now dispense their product by liter instead of by gallon and the posting of the price only by liter can have a tendency to confuse or otherwise mislead the buying public as to the price of said fuel by a well known and understood standard of measurement.

WHEREAS, while the practice of the above retail seller of only posting the price by liter instead of by gallon does not, in itself, violate the Alabama law, this practice is not looked upon with favor by the Alabama Legislature.

WHEREAS, the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture and Industries has the power and duty to, by regulation, take steps to see that the public buying gasoline or other liquid motor vehicle fuels has full knowledge of the price they are paying by a standard with which they are familiar.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of Agriculture and Industries be requested to promulgate a rule or regulation requiring that retail sellers of gasoline or liquid motor vehicle fuels, which sell and dispense their product by liter, post the per gallon price of said fuel in a conspicuous place on the dispensing pump along with the liter price.

BE IT FURTHER RESOLVED That copies of this resolution be forwarded to the Commissioner of Agriculture and Industries and to each and every member of the State Board of Agriculture and Industries.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Boles, Manley, Payne, Trammell, Olive, Cheatwood, Nevett, Bennett, Lewis, Waggoner, Seibels, Cabaniss, Howard, Moore, Hilliard, Harrison, Horn, Penry, Biddle, Amari, Naramore, Carter, Edwards, Campbell, Dial, Turnham, Reed, McCorquodale, Warren, Sandusky,

Gafford, Adams (C), Owens, Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Carothers, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Parker, Patton, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 169. MOURNING THE DEATH OF MR. J. EARL JONES OF BESSEMER, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 169, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dixon, McKee, Hammett, Zoghby and McCorquodale:

H. J. R. 172. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama is itself honored to pay tribute to His Royal Highness, Prince Khaled bin Sultan bin Abdulaziz of Saudi Arabia, currently a guest in residence of Montgomery and the State of Alabama; and

WHEREAS, Prince Khaled, who is in our country to attend the militarily prestigious Air War College at Maxwell Air Force Base, is also enrolled in the Political Science Master's Program at our own Auburn University in Montgomery; and

WHEREAS, since his arrival, the Prince has most freely and generously extended his friendship not only to the American people in general, but most particularly to the citizens of Alabama and to the members of the Alabama Legislature, a kindness for which we do indeed express sincere and deep gratitude; and

WHEREAS, in recognition of the leadership role that Prince Khaled plays in today's complex world, we are further most grateful for his pro-American influence in the entire Middle Eastern Region; and

WHEREAS, it is also with sincerity that we look upon Prince Khaled as ambassador nonpareil, singular in his exemplary representation of the people of Saudi Arabia whom we value as trusted allies and genuine friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in warm and continuing welcome as our guest in Alabama, we hereby express highest regard for Prince Khaled bin Sultan bin Abdulaziz; we extend to him a cordial invitation to address the Alabama House of Representatives and Alabama State Senate on Thursday, April 17, 1980, at 11:00 a.m. and hopefully anticipate his acceptance.

BE IT FURTHER RESOLVED, That His Royal Highness receive a copy of this resolution as evidence of our esteem, in appreciation for his friendship and as an expression of our delight in having him with us in Alabama; it is our further desire that a copy also be sent to His Majesty, King Khalid of Saudi Arabia.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 172, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Whatley, Smith (C), Adams (H), Letson, Edwards and Warren:

H. J. R. 189. DECLARING THE WEEK OF JUNE 1-7, 1980, "ALABAMA POULTRY WEEK."

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$600 million annually and accounting for over 34 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and

WHEREAS, Wayne McElrath, Albertville, Alabama, has served as president of the Alabama Poultry and Egg Association with dedication, honor, and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 1-7 is hereby declared to be "ALABAMA POULTRY WEEK."

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Alabama Poultry and Egg Association, Cullman, Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 189, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Whatley, Carothers, Shoemaker, Johnson (R. G.), Edwards, Ward, Warren, Smith (C) and McKee:

H. J. R. 190. CONGRATULATING DR. HANLY FUNDERBURK ON HIS SELECTION AS PRESIDENT OF AUBURN UNIVERSITY.

Also:

By Rep. Amari:

H. J. R. 191. COMMENDING D. WAYNE GOODE, DEDICATED CIVIC SERVANT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 190, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 191, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 184. REQUESTING THE STATE BOARD OF EDUCATION TO REVISE THE ALABAMA SCHOOL REGISTERS AND RELATED REPORTS TO ELIMINATE UNNECESSARY REPORTING.

WHEREAS, school teachers and principals spend a great deal of their time filling out the information required by the Alabama School Register and its related reports; and

WHEREAS, some of this time could seemingly be better devoted to strictly educational functions; and

WHEREAS, it is the desire of the Alabama Legislature that the Alabama State Board of Education review and revise the Alabama School Register and related reports to eliminate any unnecessary information and data required therefor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Board of Education is hereby requested to review and revise the Alabama School Register and related reports and eliminate any unnecessary information and data required therefor.

BE IT FURTHER RESOLVED, That the State Board of Education is requested to reply to the Alabama Legislature when they have completed their work on this matter informing us of what they have done.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 184, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Barton:

H. J. R. 117. CALLING UPON THE STATE BOARD OF EDUCATION TO FORMULATE A CONTINGENCY PLAN TO PROVIDE FOR UNINTERRUPTED PUBLIC SCHOOL SESSIONS IN ALABAMA.

WHEREAS, the Legislature of Alabama is totally and unalterably committed to providing the best education possible, within financial means, for the youth of Alabama, and most certainly through their uninterrupted instruction in the basic skills necessary for a full and useful life; and

WHEREAS, directly affecting such a commitment by this body, and by all responsible citizens of this state, is recent action taken by Alabama Education Association delegates, authorizing its board of directors to call a "statewide job action" if the Legislature removes earmarking of the Special Educational Trust Fund and/or fails to authorize AEA's demands for salary increases in stated amounts; and

WHEREAS, in the light of the shortage of state revenue and a reluctance to raise taxes to a point beyond the means of so many of our citizens who also are as beset by inflation as are our educators, the legislature must at least consider the unearmarking of funds to provide flexibility for other vital programs, according to need, and in time of need; and

WHEREAS, unearmarking and salary increases, however, are not the issue, but rather the unthinkable closing of our schools to the detriment, first and foremost, of our young students who are but innocent pawns of any unresolved differences between AEA and the legislature's efforts to provide funding for all programs, all of which affect some portion of our state's citizenry; and

WHEREAS, in the assumption that "statewide job action" is a thinly veiled threat to strike, the Alabama Legislature deems it necessary to protect our state's school children from interruption of instruction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the State Board of Education to immediately formulate a contingency plan to assure that our public schools remain open in the event of a strike by professional educational employees of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted forthwith to the State Board of Education that they may take steps to comply with this request and that they may also know of our further request to advise the Alabama Legislature of what plan of action we can expect in the event of a teachers' strike in Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 117, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 183. MOURNING THE DEATH OF TILLMAN J. WRIGHT, BUTLER, ALABAMA.

Also:

By Reps. Dial, Shoemaker, Moore, Johnson (R. G.), and Campbell:

H. J. R. 186. RECOGNIZING MR. WILLIAM H. G. FRANCE FOR HIS PROMINENCE IN AMERICAN MOTORSPORTS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolutions, H. J. R.'s 183 and 186, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 144. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 141. MOURNING THE DEATH OF COMMISSIONER GEORGE T. TAYLOR OF EUFAULA, ALABAMA.

WHEREAS, the Alabama Legislature, grievously, has noted the death of Mr. George T. Taylor of Eufaula, Alabama, on March 19, 1980, at the age of 69; and

WHEREAS, a native of Barbour County and a resident of Eufaula for many years, George Taylor was a member of one of his county's most prominent families and one who distinguished himself through service and involvement in all areas of community affairs; and

WHEREAS, at the time of his death, Mr. Taylor was serving in long tenure as chairman of the Barbour County Commission, his interest in politics and government rooted in concern for the well-being of his beloved home county, and for all its citizens whose needs he championed and fought to meet as personal goals in life; and

WHEREAS, Commissioner Taylor, who for many years owned and operated a cotton gin in Eufaula, also conducted and drove charter bus tours into and out of Eufaula; in this capacity, he traditionally arranged trips of interest for elementary school children, and his love for and interest in these young boys and girls was a primary consideration in his selection as a Eufaula Kiwanis Club Citizen of the Year; and

WHEREAS, his community involvement extended further to include membership on the board of directors of the Tri-Rivers Waterways Association, a culmination of his long-time interest and promotion of this navigable waterway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with his family, and with the citizens of Eufaula and all of Barbour County, we grievously mourn the death of Commissioner George T. Taylor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Ellen M. Taylor; to his mother, Mrs. Oscar H. Taylor; to his daughter, Mrs. Elizabeth T. Poss; and to his son, Wade D. Taylor, that they and other family members may know we deeply share the sorrow of their great loss.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Teague and Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 142. COMMENDING THE ATHLETIC PROGRAM AND THE OUTSTANDING ATHLETES OF THE ALABAMA SCHOOL FOR THE BLIND.

WHEREAS, it is with great pride that the Alabama Legislature joins with all citizens of Alabama in recognizing the outstanding athletic program of the Alabama School for the Blind in Talladega, Alabama; and

WHEREAS, we especially take pleasure in noting the recent accomplishments of ten of those student athletes in participation at the recent United States Association for Blind Athletes annual meet in McComb, Illinois; and

WHEREAS, competing on the campus of Western Illinois University, our own young Alabamians, in superior medal performances, won four individual wrestling championships and a national championship also in track; and

WHEREAS, winning national titles for ABS were: Bobby Doame in the 112 pound classification; Charles Aldredge in the 132 pound class; Tom Lewis in the 155 pound weight class; and Richard Norwood who took his title in the 167 pound classification; and

WHEREAS, Nikita Davis in track and field event was top winner in the high jump for a gold medal, with a bronze medal for his third place in the 155 pound wrestling class; Keith West brought home a silver medal in 98 pound wrestling, missing the gold by just one point; and wrestler Vincent Armstrong also competed in the high jump and the 800 Meter Run of track and field; and

WHEREAS, for the girls, Sandy Trott placed fifth in the 100 Meter Dash, La Quita Cole was sixth in the 400 Meter Run and Jackie Pugh placed fifth in the 800 Meter Run; and

WHEREAS, long recognized as superior athletes, this group of students from the Alabama School for the Blind, accompanied by physical education instructors Judy Williams and T. R. Bice, brought home more medals than any other team among 400 athletes, in all, from 43 states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend this outstanding group of young men and women who greatly excel in athletic ability and who, as national champions, have brought much fame and honor to the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to each of these young athletes, and their instructors, with a copy also provided for appropriate school display as evidence of our high praise and esteem.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 535. To amend further Section 41-9-43 of the Code of Alabama, 1975, relating to the Alabama state council on the arts and humanities, so as to bring the employees of such council under the provisions of the Merit System Act and State Employees' Retirement System; and to make certain exceptions.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendments, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Amendments):

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

By Mr. Pearson (With Amendments):

S. 316. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 82. To amend the title and Sections 1, 2, 3, 4, 5, 10 and 11 of Act No. 372, S. 362, Regular Session of 1976, requiring municipalities to provide civil service systems for their law enforcement officers so as to include firefighters under the provisions of said act.

By Mr. Pearson:

S. 241. Amending Sections 17-4-158 and 17-4-160, Code of Alabama 1975, relating to voter registration, so as to require that certain city clerks be appointed as deputy registrars; to provide for a voter outreach program for identifying qualified citizens who are not registered voters and to register such persons; to establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided for by law.

By Mr. Kirkland:

S. 365. To prohibit a strike or work stoppage by law enforcement officers, who have been certified by the Peace Officers and Training Commission of the State of Alabama, as a Peace Officer, and to provide for mediation in order to settle disputes between regularly employed, full time, law enforcement officers and the governmental agency employing them. Specifically authorizing negotiations between law enforcement officers and the governmental agency employing them, and requiring compliance with the agreements and findings of the mediators.

By Mr. Glass:

S. 472. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration.

By Mr. Vacca:

S. 496. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

By Rep. Gafford:

H. 10. To repeal Act No. 596, H. 778, 1977 Regular Session (Acts 1977, p. 797), entitled, "An Act to create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this act retroactive effect"; providing that the provisions of said Act 596 shall continue to apply to persons covered by its provisions prior to January 1, 1980.

By Rep. Turnham:

H. 98. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

By Rep. Riddick:

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

By Reps. Adams (C) and Whatley:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Taylor, Miller and Mitchem:

S. 463. To amend Section 9-13-11 of the Code of Alabama 1975, relating to forest fire protection so as to provide for the requirement of obtaining burning permits before setting a controlled fire; to provide for revoking such permits; and to provide further for criminal penalties for violations.

By Mr. Mitchem:

S. 490. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per

bushel or barrel as is generally recognized in the present-day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

By Mr. Mitchem:

S. 491. To amend the Code of Alabama 1975, Section 9-11-54, so as to further define and clarify qualifications for and issuance of disabled lifetime fishing licenses.

By Rep. Albright:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

By Rep. Albright:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

By Reps. Warren and McMillan:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

By Reps. Bedsole, McMillan, Hines and McCorquodale:

H. 356. To prohibit the release of tame turkeys, or any other type of turkeys, into the wild areas of this State; to provide for certain exceptions; and to provide penalties for violation of this act.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Dixon and Bedsole: (With Amendments):

H. 68. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations or comparable standardized test determined by the State Board of Education, and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Teague, Denton and Keener:

S. 542. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks (with notice and proof):

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

By Mr. Keener (with notice and proof):

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

By Mr. Keener (with notice and proof):

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

By Mr. Keener (with notice and proof):

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof) (With Amendment):

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Warren and McCorquodale (with notice and proof):

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe county.

By Rep. McCorquodale (with notice and proof):

H. 738. Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

By Rep. Ray (with notice and proof):

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

By Reps. Ray and Reed (with notice and proof):

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

By Rep. Clark (W) (with notice and proof):

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

By Rep. Smith (C) (with notice and proof):

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with notice and proof) (With Amendment):

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Harrison:

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

By Messrs. Barron, Robertson, Martin, Keener, Harrison, Denton, Little, Proctor, Hall, Kirkland and Mitchem (With Substitute):

S. 170. To provide that the State of Alabama shall provide liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

By Mr. Weeks:

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

By Reps. Johnson (Roy) and Holley:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

By Rep Turnham:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

LOCAL BILLS

ON THIRD READING

The Bill:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Britnell	Lemaster	Pearson	Vacca
Cook	Little	Proctor	Weeks
Denton	Martin	St. John	White
Glass	McDonald		

—25

Nays:

—0

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The Bill:

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.
was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Harrison	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Keener	Pearson	Vacca
Cook	Little	Proctor	Weeks
Denton	Martin	St. John	White
Glass	McDonald		

—25

Nays:

—0

The Bill:

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	Miller	Taylor
Cook	Holmes	Parsons	Teague
Denton	Keener	Pearson	Weeks
Figures	Kirkland		

—25

Nays:

—0

The Bill:

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Bailey	Gulledge	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Keener	Pearson	Vacca
Cook	Little	Proctor	Weeks
Denton	Martin	St. John	White
Figures	McDonald		

—25

Nays:

—0

The Bill:

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Britnell	Kirkland	Pearson	Vacca
Cook	Little	Proctor	Weeks
Denton	Martin	St. John	White
Glass	McDonald		

—25

Nays:

—0

The Bill:

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

Nays:

—0

The Bill:

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the expense allowance of members of the civil service board.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Proctor
Bailey	Glass	McDonald	St. John
Barron	Hall	Miller	Smith
Britnell	Holmes	Mitchem	Teague
Cook	Kirkland	Parsons	Weeks
deGraffenried	Lemaster	Pearson	White
Denton	Little		

—25

Nays:

—0

The Bill:

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1970. was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Lemaster	St. John	White
Figures	Little		

—25

Nays:

—0

The Bill:

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Harrison	Pearson	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Keener	St. John	White
Figures	Little		

—25

Nays:

—0

The Bill:

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Figures	Little			—25

Nays: —0

The Bill:

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Barron	Holmes	Parsons	Teague	
Britnell	Kirkland	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
Denton	Martin	St. John	White	
Figures	McDonald			—25

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 143. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-first legislative day only:

Bill No.	Page No.	Description
S. B. 434	109	Youth Services Bd.
S. B. 188	36	Loans, alter principal
S. B. 43	2	Alabama Banking Code
S. B. 31	5	Person may charge same int. rate as banks
S. B. 354	48	Gasohol, conservation tax break
S. B. 436	79	Mtr. Veh. reg., late fee dis.

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S. B. 257	50	License Inspectors, appt.
S. B. 239	88	WEO, civil serv. merit system, am'd
S. B. 453	80	Tuscaloosa, Add'l Dis. Ct. Judge
S. B. 467	88	AL Agri Dev. Act.
S. B. 247	55	Corp. Small Claim rule
H. B. 320	114	Attorney General
S. B. 197	31	Unempl. Comp. Act, am'd certain sect.
S. B. 237	65	Muni. Incorp. alter corporate limits
S. B. 444	61	Tax Collector & Tax Assessor, Fee Sched.
S. B. 193	15	Child Labor Law
S. B. 230	71	Insurance, MH serv., reimbursement
S. B. 326	21	Solid Waste, Regu.
S. B. 109	18	Driver's License, Fee Raised, Exam.
S. B. 194	17	Ed., Bds. of Insurance Bldgs. & prop.
S. B. 134	7	Ins. Stock and Mutual, treated equally
S. B. 210	64	County Comm., duties, auth, etc.
S. B. 325	70	Torts "Good Samaritan Act".
S. B. 140	17	Ins. False Statements, venue Mgt. Co.
S. B. 308	60	Savings & Loan Assoc., Int.
S. B. 38	6	Setting of examination fees of small loan companies
S. B. 360	78	Fireman & police Officers killed
S. B. 191	15	Indust, Rel. Dept., police powers
S. B. 192	4	Empl's., moving exp., increase
S. B. 364	95	Public warehouses

And on motion of Mr. McDonald, the Resolution was then adopted by the Senate.

MOTION IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 229, on page 98 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill S. B. 229, referred to the Standing Committee on Rules for placement on the Consent Calendar.

CONSENT CALENDAR
BILLS ON THIRD READING RESUMED

The Bill:

S. 369. To provide for exemption of certain school days missed due to natural disasters.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Harrison	Mitchem	Vacca
deGraffenried	Holmes	Proctor	Weeks
Denton	Keener	Robertson	White
Figures	Lemaster		

—25

Nays:

—0

The Bill:

S. 385. To amend Sections 11-58-1 and 11-58-2 of the Code of Alabama, 1975, relating to medical clinic boards so as to expand the language setting forth the purpose of the chapter to make it clear that it is intended to promote the public health and welfare, and also to redefine the term "Medical Clinic" to include facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped or mentally ill or retarded, such as retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, whether or not any such facility is required to be approved or licensed by any governmental agency.

was taken up.

On motion of Mr. McDonald, the Rules were suspended and he was granted permission to offer the following substitute for the Bill, S. B. 385, to-wit:

SUBSTITUTE FOR S. B. 385

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 11-58-1 and 11-58-2 of the Code of Alabama, 1975, relating to medical clinic boards, so as to expand the language setting forth the purpose of the chapter to make it clear that it is intended to promote the public health and welfare, and also to redefine the term "Medical Clinic" to include facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped or mentally ill or retarded, such as retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, whether or not any such facility is required to be approved or licensed by any governmental agency.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-58-1 and 11-58-2 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 11-58-1.

"(a) When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) **MEDICAL CLINIC.** Any one or more of buildings or facilities which serve to promote the public health and welfare either by providing facilities places for the diagnosis, treatment or cure of sick or injured persons or by providing facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, sanatoriums, nursing homes, retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, offices for persons engaged in the diagnosis, treatment or cure of sick and or injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing, and hotels and motels intended primarily for use by patients and relatives and attendants of patients or patrons of any medical clinic., or any combination of two or more thereof, whether or not any such building or facility is required to be approved or licensed by any federal, state or local governmental agency having jurisdiction in the planning or operation of health care facilities.

"(2) **CLINICAL FACILITIES.** Real property for the location or better utilization of a medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of a medical clinic."

"§ 11-58-2 of Code of Ala. of 1975 is hereby amended to read as follows:

Section 2. "(a) The purpose of this chapter is to provide for boards as public agencies and instrumentalities of the State of Alabama to promote the acquisition of health facilities in order to promote the public health and welfare of the people of Alabama.

"(b) Whenever any number of natural persons, not less than three, shall file with the governing body of any municipality in this state an application in writing for authority to incorporate a public corporation for the purpose of acquiring, owning, leasing and disposing of one or more medical clinics and clinical facilities and it shall be made to appear to such governing body that each of said persons is a duly qualified elector of and owner of property in said municipality, the governing body of said municipality shall consider such application. If such governing body approves such application, it shall adopt a resolution, which shall be duly entered upon the minutes of such governing body, wherein it shall be declared that it is wise, expedient and necessary that such a corporation be formed and that the persons filing said application shall be authorized to proceed to form such corporation. Upon the adoption of such resolution, the said persons who filed such application shall proceed to organize such corporation by executing and filing for record in the office of the judge of probate of the county or one or more of the counties in which such municipality is located a certificate of incorporation as provided in this chapter.

"No corporation shall be formed under this chapter unless the application provided for in this subsection shall have been made and unless the resolution provided for in this subsection shall have been adopted.

"(c) The granting of authority for the incorporation of one medical clinic board shall not preclude the granting of authority by the governing body of any municipality for the incorporation of other such medical clinic boards; provided, that such other medical clinic boards shall be required to adopt a name or designation sufficient to distinguish them from any medical clinic board theretofore incorporated."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Denton	Holmes	Smith
Bailey	Figures	Martin	Taylor
Barron	Gulledge	McDonald	Vacca
Britnell	Hall	Mitchem	Weeks
deGraffenried	Harrison	Robertson	White

—19

Nay: Mr. Little

—1

And said Bill, S. B. 385, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Taylor
Bailey	Glass	Martin	Teague
Barron	Gulledge	McDonald	Vacca
Britnell	Hall	Mitchem	Weeks
Cook	Harrison	Smith	White
deGraffenried	Holmes		

—21

Nay: Mr. Little

—1

The Bill:

S. 414. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

was taken up.

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On motion of Mr. White, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 414, to-wit:

AMENDMENT TO S. B. 414

Amend S. B. 414 on page 1, line 16 by inserting following the word "Health" the following "under the supervision of the State Board of Health"

Amend page 2, line 9 by inserting following the word "Health" the following "under the supervision of the State Board of Health"

Amend page 2, Section 3, line 35 by striking out "of the State Health Department" and inserting in lieu thereof "under the supervision of the State Board of Health"

Amend page 3, Section 4, line 21 by striking out "within the Department of Public Health" and inserting in lieu thereof "under the supervision of the State Board of Health"

Amend page 3, Section 5, line 27 by inserting following the word "Health" the following "under the supervision of the State Board of Health"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith
Barron	Hall	Mitchem	Taylor
deGraffenried	Harrison	Parsons	Vacca
Denton	Holmes	Proctor	Weeks
Glass	Keener	Robertson	White
Goodwin	Martin		

—21

Nays: —0

And said Bill, S. B. 414, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Proctor	Weeks
Denton	Lemaster	Robertson	White
Goodwin	Little		

—25

Nays: —0

The Bill:

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 2.

Yeas:

Messrs.:	Hall	Martin	Smith	
Barron	Harrison	Mitchem	Teague	
deGraffenried	Keener	Robertson	Weeks	
Gulledge	Kirkland	St. John		—14

Nays: Messrs.: Holmes, Little —2

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

QUORUM CALL REQUESTED

At 2:23 P.M., Mr. Holmes requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs.:	Hall	Little	Smith	
Barron	Harrison	Martin	Taylor	
deGraffenried	Holmes	Mitchem	Teague	
Denton	Keener	Robertson	Vacca	
Goodwin	Kirkland	St. John	White	
Gulledge				—20

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 170. To provide that the State of Alabama shall provide liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 170, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 170

A BILL TO BE ENTITLED AN ACT

To provide that the State of Alabama shall provide for the personal protection of state employees against civil liability arising out of motor vehicle operation in connection with their employment; to provide for the method of insuring or reimbursing them for the costs of such insurance; and to prohibit any public officer or state employee in a supervisory capacity from requiring any employee to operate a state vehicle unless the employee is so insured.

Be It Enacted by the Legislature of Alabama:

Section 1. Any director or head of a state department, agency, bureau or division shall allow any employee under his supervision, who operates a motor vehicle in the performance of his duties, whether such employee is in travel status or otherwise, and whether the vehicle is state owned or leased or otherwise, to acquire insurance insuring such employee against personal liability arising out of and a proximate consequence of the operation of a motor vehicle by such employee in the performance of his duties. Such coverage shall be in an amount or amounts sufficient to satisfy the requirements of the Motor Vehicle Safety Responsibility Act and shall be issued by an insurance company licensed and qualified to do business in this state.

Section 2. The insurance provided under the provisions of this act shall be acquired by the employee whenever and wherever feasible, by virtue of an additional condition or rider to a policy of insurance under which the state employee is otherwise insured. Where the employee is not otherwise insured, the employee may procure a policy of insurance indemnifying such employee against personal liability arising out of and a proximate consequence of the operation of a motor vehicle in the performance of his duties.

Section 3. The department, agency, bureau or division shall reimburse the employee for the actual cost of the required coverage, whether it be evidenced by a rider to the employee's personal policy or as a separate policy. The director or head of the state department, agency, bureau or division shall have sufficient proof that the employee's coverage meets the provisions of this act, is current and has been paid before he approves any reimbursement to the employee. Such reimbursement shall not exceed the actual cost of the coverage required nor shall the cost provide for provisions in excess of the Motor Vehicle Safety Responsibility Act. Such reimbursement may be made by warrant issued by the comptroller, and such reimbursement may be claimed as a travel expense item, charged against the department or agency, when approved by the director or head thereof. Such required insurance may be purchased without regard to the competitive bid laws of this state.

Section 4. After the effective date of this Act, any director or head of an agency, department, bureau or division of this state is prohibited from requiring, ordering or directing any employee to operate a motor vehicle unless the employee is covered under the provisions of this act.

Section 5. This act is cumulative and in addition to all other laws of the state; and all laws in direct conflict herewith are repealed.

Section 6. This act is severable, and if any part thereof shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the part which remains.

Section 7. This Act shall be effective on October 1, 1980.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:
Barron
Britnell

deGraffenried
Denton
Gulledge

Hall
Harrison
Holmes

Keener
Kirkland
Lemaster

Little	St. John	Teague	Weeks	
Martin	Smith	Vacca	White	
Mitchem	Taylor			—21
<i>Nays:</i>				—0

And said Bill, S. B. 170, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Britnell	Harrison	Martin	Teague	
deGraffenried	Higginbotham	McDonald	Vacca	
Denton	Holmes	Mitchem	Weeks	
Goodwin	Keener	Robertson	White	—23
<i>Nays:</i>				—0

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. White:

S. 544. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

Committee on Health and Welfare.

By Mr. Vacca:

S. 545. To provide for fees for the privilege of using a credit card or similar arrangement.

Committee on Banking and Insurance.

By Messrs. McDonald, Bailey and Goodwin:

S. 546. To amend Sections 34-4-2 and 34-4-50 of the Code of Alabama 1975, relating to licensing of auctioneers, so as to further define the word "auctioneer"; and to provide that each member of the state board of auctioneers shall be a licensed auctioneer.

Committee on Governmental Affairs.

By Mr. Glass:

S. 547. To amend Sections 25-10-3, 25-10-4 and 25-10-10, Code of Alabama 1975, known as the "Small Business Assistance Act," so as to create a department of small and disadvantaged business enterprise and to provide for the powers and duties of such department.

Committee on Governmental Affairs.

By Mr. Martin:

S. 548. To authorize any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, when providing for the payment of municipal assessments to increase the interest rate on the payment of the assessment.

Committee on Governmental Affairs.

By Mr. Martin:

S. 549. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments, so as to increase the interest rate on the payment of the assessments.

Committee on Governmental Affairs.

By Mr. Proctor (with notice and proof):

S. 550. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Coosa County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 550, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem:

S. 551. To amend Section 32-7-4, Code of Alabama 1975, to increase the fee for an abstract of an operating record from \$2.00 to \$3.00.

Committee on Finance and Taxation.

By Mr. Cook:

S. 552. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. 553. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

Committee on Finance and Taxation.

By Mr. Denton:

S. 554. Authorizing any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, to incorporate a Port Authority for the purpose of building or leasing waterfront facilities; provides the conditions

under which the authority shall be created; provides for the election of the officers; provides for the duties and powers of said authority; provides for the issuance of tax exempt securities to finance said authority; provides for the distribution of the proceeds from the issuance of the securities; authorizes refunding of the securities; provides for remedies in the event of a default; and authorizes the authority to enter into contracts.

Committee on Commerce, Transportation
and Utilities.

By Mr. Figures:

S. 555. To amend Section 13A-11-50, Code of Alabama 1975, which provides for the punishment and fines for carrying a concealed weapon, so as to increase said punishment and fines.

Committee on Judiciary.

By Mr. Robertson:

S. 556. To amend Section 32-6-130 of the Code of Alabama 1975 which relates to disabled veterans' license plates, so as to alter qualifications and provide for the free issuance of said plates.

Committee on Finance and Taxation.

By Mr. St. John (with notice and proof):

S. 557. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 557, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 558, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem:

S. 559. To allow any licensed barber of this state to elect to be licensed by the Alabama board of cosmetology under the provisions of Title 34, Chapter 7 of the Code of Alabama 1975, and thereafter to be subject to all the rules and regulations promulgated thereunder.

Committee on Health and Welfare.

By Mr. Parsons:

S. 560. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 561. To amend Section 7-2-316 of the Code of Alabama of 1975 relating to exclusion or modification of warranties so as to provide that with respect to the sale of cattle, swine, sheep, goats, horses, mules and asses, there shall be no implied warranty that such animals are free from diseases.

Committee on Judiciary.

By Mr. St. John:

S. 562. To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

Committee on Finance and Taxation.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Robertson	White
Goodwin	Little		

—21

Nays:

—0

The Bill:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Britnell	Harrison	Martin	Teague	
deGraffenried	Higginbotham	McDonald	Vacca	
Denton	Holmes	Parsons	Weeks	
Goodwin	Keener	Robertson		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 144. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

Also:

H. J. R. 169. MOURNING THE DEATH OF MR. J. EARL JONES OF BESSEMER, ALABAMA.

Also:

H. J. R. 172. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 183. MOURNING THE DEATH OF TILLMAN J. WRIGHT, BUTLER, ALABAMA.

Also:

H. J. R. 186. RECOGNIZING MR. WILLIAM H. G. FRANCE FOR HIS PROMINENCE IN AMERICAN MOTORSPORTS.

Also:

H. J. R. 189. DECLARING THE WEEK OF JUNE 1-7, 1980, "ALABAMA POULTRY WEEK."

Also:

H. J. R. 191. COMMENDING D. WAYNE GOODE, DEDICATED CIVIC SERVANT.

Also:

H. J. R. 190. CONGRATULATING DR. HANLY FUNDERBURK ON HIS SELECTION AS PRESIDENT OF AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Also:

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Also:

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

Also:

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

Also:

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

Also:

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Also:

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the expense allowance of members of the civil service board.

Also:

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

Also:

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, MEDICAID AND SOCIAL PROGRAMS, FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

Also:

S. J. R. 96. CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

Also:

S. J. R. 114. CONGRATULATING AND COMMENDING MISS ANNETTA LEAH SPARKS, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

S. J. R. 115. CONGRATULATING AND COMMENDING MISS KENDALL HOPE SWANN, NATIONAL "LITTLE MISS PEANUT."

Also:

S. J. R. 116. CONGRATULATING MRS. BOWDEN SESSIONS, NATIONAL PEANUT FESTIVAL RECIPE CONTEST WINNER.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Parsons
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	Teague
deGraffenried	Higginbotham	McDonald	Vacca
Denton	Holmes	Mitchem	

—18

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Higginbotham, further consideration of the Bill, S. B. 190, was indefinitely postponed.

RESOLUTIONS

Mr. Barron offered the following Senate Resolution, to-wit:

S. R. 144. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 316.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinion on the following important Constitutional question which has arisen concerning the pending S. B. 316, the purpose of which, as stated in the title, is to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981. Copies of said S. B. 316 are attached to this resolution and made a part hereof as if set out herein by reference:

1. In view of Sections 93 and 94 of the Constitution of Alabama 1901 and this court's decision in the case of Board of Revenue and Road Commissioners of Mobile County vs Puckett, 227 Ala. 374, 149 So. 850, where this court stated "Whether the Constitution so expressly provides or not, that an appropriation of public revenues must be for a public purpose" are the following appropriations of public funds contained in said S. B. 316 for a "public purpose" and valid or are they unconstitutional, viz:

"E. FINANCIAL ASSISTANCE
TO NON-STATE AGENCIES:

1. Amos Alonzo Stagg Bowl:

(a) Tourism and Travel Promotion Program	3,850
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,850</u>	
Total Amos Alonzo Stagg Bowl ..	<u>3,850</u>	<u>3,850</u>

2. Appalachian Regional Commission:

(a) Planning Program	168,625
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SOURCE OF FUNDS:

(1) State General Fund	<u>168,625</u>	
Total Appalachian Regional Commission	<u>168,625</u>	<u>168,625</u>

3. Armed Forces Day in Alabama:

(a) Historical Resources Management Program	1,150
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,150</u>	
Total Armed Forces Day in Alabama	<u>1,150</u>	<u>1,150</u>

4. Azalea Trail Festival, Mobile:

(a) Tourism and Travel Promotion Program	2,140
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SOURCE OF FUNDS:

(1) State General Fund	<u>2,140</u>	
Total Mobile Azalea Trail Festival	<u>2,140</u>	<u>2,140</u>

5. Big Nance Creek Water Management District:

(a) Water Resource Development Program	1,925
--	-------

SOURCE OF FUNDS:

(1) State General Fund	<u>1,925</u>	
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Total Big Nance Creek Water Management District	1,925	<u>1,925</u>
6. Birmingham Chamber Music Society:		
(a) Fine Arts Program		2,140
SOURCE OF FUNDS:		
(1) State General Fund	2,140	
Total Birmingham Chamber Music Society	2,140	<u>2,140</u>
7. Birmingham Festival of Arts, Inc.:		
(a) Fine Arts Program		21,380
SOURCE OF FUNDS:		
(1) State General Fund	21,380	
Total Birmingham Festival of Arts, Inc.	21,380	<u>21,380</u>
8. Birmingham Sickie Cell:		
(a) Sickie Cell Education Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
Total Birmingham Sickie Cell ...	30,000	30,000
9. Blue and Gray Association Inc.:		
(a) Tourism and Travel Promotion Program		7,700
SOURCE OF FUNDS:		
(1) State General Fund	7,700	
Total Blue and Gray Association, Inc.	7,700	<u>7,700</u>
10. Chilton County Peach Festival:		
(a) Tourism and Travel and Promotion Program		6,400
SOURCE OF FUNDS:		
(1) State General Fund	6,400	
Total Chilton County Peach Festival	6,400	<u>6,400</u>
11. Choccolocco Creek Watershed Association:		
(a) Water Resource Development Program		3,000

SOURCE OF FUNDS:

(1) State General Fund	<u>3,000</u>	
Total Choccolocco Creek Watershed Association	<u>3,000</u>	<u>3,000</u>

12. Choctawhatchee River
Watershed Association, South-
east:

(a) Water Resource Development Program		1,925
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,925</u>	
Total Southeast Choctawhatchee River Watershed Association ..	<u>1,925</u>	<u>1,925</u>

13. Civil Air Patrol:

(a) Readiness and Recovery Pro- gram		30,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>30,000</u>	
Total Civil Air Patrol	<u>30,000</u>	<u>30,000</u>

14. Coosa-Alabama River Im-
provement Association:

(a) Water Resource Development Program		10,700
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SOURCE OF FUNDS:

(1) State General Fund	<u>10,700</u>	
Total Coosa-Alabama River Im- provement Association	<u>10,700</u>	<u>10,700</u>

15. Coosa River Action Council,
Inc.:

(a) Water Resource Development Program		8,550
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SOURCE OF FUNDS:

(1) State General Fund	<u>8,550</u>	
Total Coosa River Action Council, Inc.	<u>8,550</u>	<u>8,550</u>

16. Deep Sea Fishing Rodeo, Ala-
bama:

(a) Tourism and Travel Promotion Program		1,285
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,285</u>	
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Total Alabama Deep Sea Fishing Rodeo	<u>1,285</u>	<u>1,285</u>
17. Dynne Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,925</u>	
Total Dynne Creek Watershed Cons. Dist.	<u>1,925</u>	<u>1,925</u>
18. Elk River Development Agency:		
(a) Water Resource Development Program		6,400
SOURCE OF FUNDS:		
(1) State General Fund	<u>6,400</u>	
Total Elk River Development Agency	<u>6,400</u>	<u>6,400</u>
19. Elyton Recovery Center:		
(a) Non-Institutional Treatment & Care Program		155,000
SOURCE OF FUNDS:		
(1) State General Fund—Capital Improvement	<u>155,000</u>	
Total Elyton Recovery Center ...	<u>155,000</u>	<u>155,000</u>
20. Energy Board, Southern States:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		21,171
SOURCE OF FUNDS:		
(1) State General Fund	<u>21,171</u>	
Total Southern States Energy Board	<u>21,171</u>	<u>21,171</u>
21. Federation of Southern Cooperatives:		
(a) Tourism and Travel Promotion Program		8,550
(For Miss Black Alabama Pageant)		
SOURCE OF FUNDS:		
(1) State General Fund	<u>8,550</u>	

Total Federation of Southern Cooperatives	8,550	8,550
22. Forest Festival, Alabama:		
(a) Forest Information and Education Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Alabama Forest Festival ..	4,275	4,275
23. Geneva County Tomato Festival:		
(a) Tourism and Travel Promotion Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Geneva County Tomato Festival	4,275	4,275
24. George Lindsey Celebrity Benefit, Inc.:		
(a) Tourism and Travel Promotion Program		8,550
SOURCE OF FUNDS:		
(1) State General Fund	8,550	
Total George Lindsey Celebrity Benefit, Inc.	8,550	8,550
25. Gulf Shores Tourist Association:		
(a) Tourism and Travel Promotion Program		11,543
SOURCE OF FUNDS:		
(1) State General Fund	11,543	
Total Gulf Shores Tourist Association	11,543	11,543
26. Guntersville Boat Races:		
(a) Tourism and Travel Promotion Program		7,310
SOURCE OF FUNDS:		
(1) State General Fund	7,310	
Total Guntersville Boat Races ...	7,310	7,310
27. Hank Williams Memorial Association:		

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(a) Historical Resources Management Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Hank Williams Memorial Association	4,275	4,275
28. Helen Keller Property Board:		
(a) Historical Resources Management Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Helen Keller Property Board	4,275	4,275
29. Interstate Mining Commission:		
(a) Planning Program		8,901
SOURCE OF FUNDS:		
(1) State General Fund	8,901	
Total Interstate Mining Commission	8,901	8,901
30. Junior Miss Pageant, Inc., America's:		
(a) Tourism and Travel Promotion Program		18,000
SOURCE OF FUNDS:		
(1) State General Fund	18,000	
Total America's Junior Miss Pageant, Inc.	18,000	18,000
31. Ketchepedrakee Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	1,925	
Total Ketchepedrakee Creek Watershed Conservancy District	1,925	1,925
32. Lake Eufaula Summer Spectacular:		
(a) Tourism and Travel Promotion Program		7,700
SOURCE OF FUNDS:		
(1) State General Fund	7,700	

Total Lake Eufaula Summer Spectacular	<u>7,700</u>	<u>7,700</u>
33. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program		3,848
SOURCE OF FUNDS:		
(1) State General Fund	<u>3,848</u>	
Total Mobile Carnival Association	<u>3,848</u>	<u>3,848</u>
34. Mountain Lakes Tourist Association, Alabama:		
(a) Tourism and Travel Promotion Program		19,665
SOURCE OF FUNDS:		
(1) State General Fund	<u>19,665</u>	
Total Alabama Mountain Lakes Tourist Association	<u>19,665</u>	<u>19,665</u>
35. Pea River Historical and Genealogical Society:		
(a) Historical Resources Management Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	<u>4,275</u>	
Total Pea River Historical and Genealogical Society	<u>4,275</u>	<u>4,275</u>
36. Pea River Watershed Conservancy District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,925</u>	
Total Pea River Watershed Conservancy District	<u>1,925</u>	<u>1,925</u>
37. Peanut Festival Association, Inc., National:		
(a) Tourism and Travel Promotion Program		10,260
SOURCE OF FUNDS:		
(1) State General Fund	<u>10,260</u>	
Total National Peanut Festival Association, Inc.	<u>10,260</u>	<u>10,260</u>

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38. Pike County Pioneer Museum
Association:

(a) Historical Resources Manage-
ment Program 4,275

SOURCE OF FUNDS:

(1) State General Fund 4,275

Total Pike County Pioneer
Museum Association 4,275 4,275

39. Pimento Festival:

(a) Tourism and Travel Promotion
Program 855

SOURCE OF FUNDS:

(1) State General Fund 855

Total Pimento Festival 855 855

40. Riverboat Commission, Inc.,
Montgomery:

(a) Tourism and Travel Promotion
Program 19,250

SOURCE OF FUNDS:

(1) State General Fund 19,250

Total Montgomery Riverboat
Commission, Inc. 19,250 19,250

41. Shakespeare Festival, Ala-
bama:

(a) Fine Arts Program 6,410

SOURCE OF FUNDS:

(1) State General Fund 6,410

Total Alabama Shakespeare Festi-
val 6,410 6,410

42. Southern Championship Char-
ity Horseshow:

(a) Tourism and Travel Promotion
Program 4,275

SOURCE OF FUNDS:

(1) State General Fund 4,275

Total Southern Championship
Charity Horseshow 4,275 4,275

43. Spirit of America Festival,
Inc.:

(a) Tourism and Travel Promotion
Program 3,850

SOURCE OF FUNDS:

(1) State General Fund	<u>3,850</u>	
Total Spirit of America Festival, Inc.	<u>3,850</u>	<u>3,850</u>

44. Sports Hall of Fame:

(a) Historical Resources Manage- ment Program		28,500
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SOURCE OF FUNDS:

(1) State General Fund	<u>28,500</u>	
Total Sports Hall of Fame	<u>28,500</u>	<u>28,500</u>

45. Steer Show Association, Ala-
bama State:

(a) Agricultural Development Services Program		7,695
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SOURCE OF FUNDS:

(1) State General Fund	<u>7,695</u>	
Total Alabama State Steer Show Association	<u>7,695</u>	<u>7,695</u>

46. Tallacoosa Highland Lakes
Association:

(a) Tourism and Travel Promotion Program		7,700
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SOURCE OF FUNDS:

(1) State General Fund	<u>7,700</u>	
Total Tallacoosa Highland Lakes Association	<u>7,700</u>	<u>7,700</u>

47. Tallasseehatchie Creek
Watershed Conservancy Dis-
trict:

(a) Water Resource Development Program		1,700
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,700</u>	
Total Tallasseehatchie Creek Watershed Conservancy District	<u>1,700</u>	<u>1,700</u>

48. TENNESSEE River Valley
Association:

(a) Water Resource Development Program		11,970
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SOURCE OF FUNDS:

(1) State General Fund	<u>11,970</u>	
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Total Tennessee River Valley Association	<u>11,970</u>	<u>11,970</u>
49. Tennessee Valley Publicity and Improvement Association:		
(a) Tourism and Travel Promotion Program		34,200
SOURCE OF FUNDS:		
(1) State General Fund	<u>34,200</u>	
Total Tennessee Valley Publicity and Improvement Association ..	<u>34,200</u>	<u>34,200</u>
50. Terrapin Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,925</u>	
Total Terrapin Creek Watershed Conservancy District	<u>1,925</u>	<u>1,925</u>
51. Travel Council, Alabama:		
(a) Tourism and Travel Promotion Program		34,200
SOURCE OF FUNDS:		
(1) State General Fund	<u>34,200</u>	
Total Alabama Travel Council ..	<u>34,200</u>	<u>34,200</u>
52. Tri-Rivers Waterway Development Association:		
(a) Water Resource Development Program		23,085
SOURCE OF FUNDS:		
(1) State General Fund	<u>23,085</u>	
Total Tri-Rivers Waterway Development Association	<u>23,085</u>	<u>23,085</u>
53. Vestavia Hills Dogwood Festival and Trail:		
(a) Tourism and Travel Promotion Program		855
SOURCE OF FUNDS:		
(1) State General Fund	<u>855</u>	
Total Vestavia Hills Dogwood Festival and Trail	<u>855</u>	<u>855</u>
54. Veterans Day Committee, National:		

(a) Historical Resources Management Program		5,990
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SOURCE OF FUNDS:

(1) State General Fund	5,990	
Total National Veterans Day Committee	5,990	5,990

55. Veterans Day in Alabama:

(a) Historical Resources Management Program		1,710
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SOURCE OF FUNDS:

(1) State General Fund	1,710	
Total Veterans Day in Alabama .	1,710	1,710

56. Women's Hall of Fame, Alabama:

(a) Historical Resources Management Program		5,815
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SOURCE OF FUNDS:

(1) State General Fund	5,815	
Total Alabama Women's Hall of Fame	5,815	5,815

57. Y. M. C. A. Youth Legislature:

(a) Special Services Program		10,000
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SOURCE OF FUNDS:

(1) State General Fund	10,000	
Total Y.M.C.A. Youth Legislature	10,000	10,000

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending bill S. B. 316, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justice of the Supreme Court forthwith upon the adoption of this resolution.

Which was read and referred to the Standing Committee on Rules.

Messrs. Taylor, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 145. CONGRATULATING MR. EMMETT SEGO WHITE OF THE ALABAMA DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS.

Which was adopted.

UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 341. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their appointment.

as amended. The question was on the amendment offered by Mr. deGraffenried to the White substitute, as amended, which said amendment and substitute set out in the Journal of the Senate for the Twentieth Legislative Day.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. deGraffenried then offered the following amendment to the substitute, as amended, for the Bill, S. B. 341, to-wit:

AMENDMENT TO SUBSTITUTE AS AMENDED FOR S. B. 341

Amend the Substitute for S. 341 as follows:

On page 2, on the 9th line from the top of the page, strike the word "twelve," and insert in lieu thereof the word: six

On the 10th line from the top of the page, strike the word six and insert in lieu thereof the word: three

Also, on page 2, on the 20th line from the top of the page, strike the word "twelve" and insert in lieu thereof the word six and on this same line strike the period after the word "years" and insert the following words:

shall not serve more than three consecutive six-year terms on the board and shall be subject to reappointment and reconfirmation every six years.

Which was adopted.

Mr. deGraffenried then offered the following amendment to the substitute, as amended, for the Bill, S. B. 342, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 341

Amend S. 341 as last substituted as follows:

On page one, in the eleventh and twelfth lines of Section 1, delete the words "two members from the each congressional district" and insert:

three members from the congressional district in which the university at Tuscaloosa is located and two from each of the other congressional districts

Which was adopted.

Yeas 19; Nays 11.

Yeas:

Messrs.:	Gulledge	Krikland	Robertson
Britnell	Harrison	Little	St. John
deGraffenried	Higginbotham	Martin	Taylor
Denton	Holmes	Mitchem	Teague
Goodwin	Keener	Proctor	Weeks

Nays:

Messrs.:	Cook	McDonald	Smith
Bailey	Figures	Parsons	Vacca
Barron	Hall	Pearson	White

—11

Mr. Smith offered the following amendment to the substitute, as amended, for the Bill, S. B. 341, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 341

On page 1, line 36, between the comma and the word "the" add the following underlined language:

and three other members, one who resides in the City of Tuscaloosa, one who resides in the City of Birmingham, and one who resides in the City of Huntsville, and hereby repeal Amendment No. 5 offered by Senator deGraffenried.

Which was adopted.

Yeas 12; Nays 9.

Yeas:

Messrs.:	Gulledge	Martin	Smith
Barron	Hall	McDonald	Vacca
Cook	Harrison	Parsons	White
Figures			

—12

Nays:

Messrs.:	Holmes	Little	Taylor
Bailey	Keener	Mitchem	Weeks
deGraffenried	Kirkland		

—9

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Gulledge	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
deGraffenried	Little	Smith	White

—19

Nay: Mr. Bailey

—1

And said Bill, S. B. 341, as thus amended by the substitute, as amended, was read a third time at length as required by the Constitution and passed.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Cook	Figures	Hall
Barron	deGraffenried	Goodwin	Harrison
Britnell	Denton	Gulledge	Higginbotham

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Holmes	McDonald	Robertson	Teague
Keener	Mitchem	St. John	Vacca
Kirkland	Parsons	Smith	Weeks
Little	Proctor	Taylor	White
Martin			—28
Nay: Mr. Bailey			—1

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 341, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 342. To amend Section 16-7-2, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven to conform to the congressional districts in the state.

The Standing Committee on Education reported the following substitute, for the Bill, S. B. 342, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 342

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-7-2 and Section 16-7-5, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven persons, one to be from of the congressional districts of the State, and to confer upon the Commission power to operate a public radio station or stations.

To Be Enacted by the Legislature of Alabama:

Section 1. Section 16-7-2, Code of Alabama, 1975, is hereby amended to read as follows:

Section 16-7-2. Membership; appointment; terms; vacancies; per diem and expenses.

The commission shall consist of five seven members, who one from each of the congressional districts in the state as they are constituted on the 15th day of January, 1980. The members shall be residents and qualified electors of the state of Alabama, no two of whom shall reside in the same congressional district. No member of the commission shall hold any other office of profit or trust under the United States, the State of Alabama or any political subdivision thereof. The present five members of the commission shall continue to serve as commissioners from their respective congressional districts for the remainder of the unexpired portions of their present 10-year terms. The two additional commissioners provided for by this amendment shall be appointed by the Governor with the advice and consent of the Senate, within 15 days after this act becomes law; one of the commissioners is to be appointed from one of the congressional districts from which there is presently no commissioner and the other is to be appointed from the other congressional district from which there is presently no commissioner. One of the two new commissioners shall be appointed originally for a term of eight years and the other for a term of six years. The successors of all commissioners shall be appointed by the Governor with the advice and consent of the senate for a

term of ten years. Commissioners shall be eligible for reappointment. If a vacancy occurs at a time when the senate is in session, the Governor shall, with the advice and consent of the senate, appoint another commissioner for the unexpired term. If such vacancy occurs when the senate is not in session, the Governor shall appoint a commissioner who shall take office immediately, but his appointment shall be subject to confirmation by the senate at the next session of the legislature. If the appointment of such commissioner is confirmed by the senate he shall serve the remainder of the unexpired term. Each member of the commission shall be entitled to receive \$25.00 for each day actually engaged in the performance of his duties, not to exceed \$1,200.00 in any one year, plus an allowance for expenses for official travel in the state, not to exceed \$10.00 for each day he is entitled to compensation, and the actual cost of his transportation and no more. In the event a member uses a privately owned automobile for official travel, he shall be reimbursed for mileage actually traveled in attending meetings of the commission and in the performance of his official duties at the rate established by law for state officers and employees.

Section 2. Section 16-7-5, Code of Alabama, 1975, is hereby amended to read as follows:

Section 16-7-5. The commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama, and to this end it is hereby empowered and directed to survey, study and appraise the need for an overall plan for the use of television facilities available for noncommercial educational use in the state. The commission is specifically charged with the duty of controlling and supervising the use of channels reserved by the federal communications commission to Alabama for noncommercial, educational use. It may designate the location of stations to utilize such channels and make rules and regulations governing the operation of such stations and the programs televised over such channels. The commission may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions or other governmental agencies for the operation of such stations. The commission is also authorized to own and operate radio stations to utilize the channels reserved for public radio within the State of Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Bailey	Higginbotham	Mitchem	Taylor
Barron	Holmes	Parsons	Vacca
Britnell	Keener	Pearson	Weeks
Denton	Little	Proctor	White
Gulledge			

—20

Nays:

—0

And said Bill, S. B. 342, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Mitchem	Smith
Bailey	Hall	Parsons	Taylor
Barron	Holmes	Pearson	Vacca
Britnell	Keener	Proctor	Weeks
Cook	Little	Robertson	White
Denton	Martin		

—21

Nays: —0

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 434. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 434, to-wit:

COMMITTEE AMENDMENT TO S. B. 434

Amend Senate Bill 434 by deleting all the words and figures on lines 4 through 15 on page 2 down through the words "the state" on line 15 and insert in lieu thereof the following:

(d) The speaker of the Alabama house of representatives shall appoint one two members to be selected from the membership of said house who has demonstrated some interest in the field of juvenile delinquency prevention and treatment, and the presiding officer of the Alabama senate shall appoint one two members to be selected from the membership of said senate. who has demonstrated some interest in the field of juvenile delinquency prevention and treatment.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Figures	Little	Taylor
Bailey	Gulledge	Martin	Teague
Barron	Hall	Parsons	Vacca
Cook	Higginbotham	Robertson	White
Denton	Keener	Smith	

—18

Nays: —0

And said Bill, S. B. 434, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Robertson	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	Mitchem	Vacca	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes	Pearson		—22

Nays: —0

The Bill:

S. 188. To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

was taken up.

On motion of Mr. Vacca, consideration of the Bill, S. B. 188, was postponed temporarily.

The Bill:

S. 43. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

was again taken up. The question was on the substitute offered by Mr. White, which said substitute is set out in the Journal of the Senate for the Sixteenth Legislative Day.

On motion of Mr. White, said substitute was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Also:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MOTION TO ADJOURN LOST

At 4:20 P.M., Mr. Robertson moved that the Senate adjourn until Tuesday, April 15, 1980, at 2 o'clock P.M., which motion was lost.

FURTHER CONSIDERATION OF S. B. 43

The Senate proceeded to further consideration of the Bill, S. B. 43, as amended.

Mr. Kirkland offered the following amendment to the Bill, S. B. 43, as amended, to-wit:

AMENDMENT TO SENATE BILL 43, AS AMENDED

Amend Senate Bill 43 so that Section 5-5-43 reads as follows:

"Section 5-5-43: Disclosure of customer financial records. A bank shall disclose financial records of its customers pursuant to a lawful subpoena, summons, warrant or court order issued by or at the request of any state agency, political subdivision, instrumentality, or officer or employee thereof and served upon the bank. No bank, director, officer, employee or agent thereof shall be held civilly or criminally responsible for disclosure of financial records pursuant to a subpoena, summons, warrant or court order which on its face appears to have been issued upon lawful authority."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lewis:

H. 665. To provide revenue by levying a privilege tax on cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 655. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes:

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 84. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 523. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Williams (with notice and proof):

H. 820. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 820, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Williams (with notice and proof):

H. 821. To repeal Act No. 269, H. 1107, 1977 Regular Session (Acts of 1977, p. 372) providing for the alteration and rearrangement of the boundary lines of the City of Daleville, Dale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 821, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 826. To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 826, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Barton (with notice and proof):

H. 851. Relating to Tuscaloosa County; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such pleas shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 851, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Barton (with notice and proof):

H. 852. Relating to Tuscaloosa County; to authorize and provide for the establishment, operation and financing of a Public Defender Office for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro rata return of any excess money in the Public Defender Fund to the counties and municipal bodies from which received.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 852, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Barton (with notice and proof):

H. 853. To repeal Act No. 839, S. 907, 1975 Regular Session (Acts of 1975, p. 1674) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants, which created a Public Defender Office and Act No. 1286, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants which created a Public Defender Office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 853, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Barton (with notice and proof):

H. 854. Relating to Tuscaloosa County; establishing a county judicial commission for the purpose of nominating persons for appointment to vacancies in the office of judge of circuit court.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 854, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mitchell (with notice and proof):

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 858, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 820, 821, 826, 851, 852, 853, 854, and 858. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moore (with notice and proof):

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 759, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Moore and Smith (C) (with notice and proof):

H. 760. Applying only to Shelby County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 760, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 809, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Johnson (R. G.) (with notice and proof):

H. 834. To provide that no municipality whose corporate limits do not ~~lie within or extend into and embrace~~ and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 834, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Patton and Roberts (with notice and proof):

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 837, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (C) (with notice and proof):

H. 840. To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and

policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 840, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (C) (with notice and proof):

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 841, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 842, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts and Patton (with notice and proof):

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 847, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Crow and Campbell (with notice and proof):

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 855, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Langford, Wyatt, Grouby, Dixon and McKee:

H. 869. Proposing an amendment to the Constitution of Alabama relating to the offices of tax assessor and tax collector in Montgomery County and providing for the transfer of the duties relating to the assessment and collection of ad valorem taxes on motor vehicles of said offices to another office.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 759, 760, 809, 834, 837, 840, 841, 842, 847, 855, and 869. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 869, was read a first time at length as required by the Constitution.)

FURTHER CONSIDERATION OF S. B. 43

The Senate proceeded to further consideration of the Bill, S. B. 43, as amended. The question was on the Kirkland amendment.

On motion of Mr. Kirkland, further consideration of the Bill, S. B. 43, as amended, and pending amendment, was postponed temporarily.

FURTHER CONSIDERATION OF S. B. 188

The Senate proceeded to further consideration of the Bill, S. B. 188.

Mr. Bailey offered the following amendment to the Bill, S. B. 188, to-wit:

AMENDMENT TO S. B. 188

Amend Senate Bill No. 188 Page 2 by inserting a new section D after line 24 to read:

"The provisions of this Act are cumulative to and not in derogation of rights under other provisions of state or federal law and shall not in any way repeal, amend or modify the provisions of Public Law 96-221 enacted by the Congress of the United States and approved March 31, 1980."

Amend Senate Bill No. 188 Page 2 Line 6, by striking out \$25,000 and inserting \$5,000.

Amend Senate Bill No. 188 Page 2 Line 24, by striking out \$25,000 and inserting \$5,000.

On motion of Mr. Mitchem, further consideration of the Bill, S. B. 188, was postponed temporarily.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 144. REQUESTING AN ADVISORY OPINION OF THE JUSTICE OF THE SUPREME COURT RELATIVE TO S. B. 316.

Mr. Goodwin moved that further consideration of the Resolution, S. R. 144, be indefinitely postponed, which motion was lost.

Yeas 3; Nays 18.

Yeas Messrs.: Bailey, Goodwin, McDonald —3

Nays:

Messrs.:	Gulledge	Kirkland	Taylor
Barron	Hall	Little	Teague
Britnell	Harrison	Mitchem	Weeks
Denton	Holmes	Parsons	White
Glass	Keener	Robertson	

—18

On motion of Mr. Barron, said Resolution was then adopted by the Senate.

Yeas 17; Nays 4.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Mitchem	Taylor
Barron	Harrison	Parsons	Weeks
Britnell	Holmes	Proctor	White
Denton	Keener		

—17

Nays: Messrs.: Cook, Goodwin, Higginbotham, McDonald —4

Mr. Harrison requested and received unanimous consent to have his name added as co-sponsor of the above Resolution, S. R. 144.

Mr. Barron moved that the Senate reconsider the vote by which the Resolution, S. R. 144, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 52. REQUESTING THE STATE DEPARTMENT OF EDUCATION TO PROVIDE CERTAIN STATISTICAL DATA TO THE ALABAMA LEGISLATURE.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 52, to-wit:

COMMITTEE SUBSTITUTE FOR S. J. R. 52

REQUESTING THE STATE DEPARTMENT OF EDUCATION TO PROVIDE CERTAIN STATISTICAL DATA TO THE ALABAMA LEGISLATURE.

WHEREAS, It is the sense of the Alabama Legislature that it is a duty of all departments funded or administered by the State of Alabama to provide the Legislature with the statistical information necessary for making proper judgments in issues now pending before this body; and

WHEREAS, statistics of the Alabama Department of Public Health for the year 1978, for example, show that more than 13,000, or 21.63%, of the births in Alabama were to mothers aged 15 to 19 years; these disturbing figures for such an age group would indicate that perhaps thousands of teenage mothers and/or pregnant students are enrolled in the public schools of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Department of Education of the State of Alabama to provide this body with the following statistical data for grades 10 through 12:

(a) The total number of pregnant students presently enrolled in the public schools of Alabama;

(b) the total number of students who already have children; and

(c) a breakdown of the above figures indicating how many of these students are married and how many are unmarried.

BE IT FURTHER RESOLVED, That in the event the Department of Education does not have such statistical information already available, that the department take steps to conduct such a statewide survey as may be necessary to furnish the above information within a reasonable time.

RESOLVED FURTHER, That State Superintendent Wayne Teague be advised, by copy of this resolution, of our request.

Which was adopted.

And on motion of Mr. Robertson, said Resolution, S. J. R. 52, as thus amended by the substitute, was then adopted by the Senate.

Mr. Robertson moved that the Senate reconsider the vote by which the Resolution, S. J. R. 52, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 188

The Senate proceeded to further consideration of the Bill, S. B. 188. The question was on the Bailey amendment.

And said amendment was then adopted.

REGULAR SESSION
21st Day

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Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	Proctor
Bailey	Hall	Kirkland	Taylor
Barron	Harrison	Little	Teague
Denton	Higginbotham	Mitchem	Vacca
Goodwin	Holmes	Parsons	White

—19

Nays: —0

Mr. Little offered the following amendment to the Bill, S. B. 188, as amended, to-wit:

AMENDMENT TO S. B. 188

Amend Senate Bill No. 188. Insert a new subsection E on page 2 after line 24.

The provisions of this act as effect loans of \$25,000 or less shall become null and void on December 31, 1981 and shall have no force and effect, unless such provisions are continued by act of the legislature.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Kirkland	Smith
Barron	Harrison	Lemaster	Taylor
Britnell	Higginbotham	Little	Teague
deGraffenried	Holmes	Mitchem	Vacca
Goodwin	Keener	Proctor	White
Gulledge			

—20

Nays: —0

And said Bill, S. B. 188, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 2.

Abstaining 1.

Yeas:

Messrs.:	Goodwin	Keener	Taylor
Bailey	Gulledge	Kirkland	Teague
Barron	Harrison	Lemaster	Vacca
Britnell	Higginbotham	McDonald	Weeks
deGraffenried	Holmes	Smith	White
Denton			

—20

Nays: Messrs.: Hall, Little. —2

Abstaining: Mr. Mitchem. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Riddick:

H. J. R. 193. CONGRATULATING MISS LAURA ANN RICE, ALABAMA'S 1980 "MAID OF COTTON."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 193, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hines:

H. J. R. 192. RENAMING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE THE JOINT PRISON COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Corrections Management and Performance Evaluation Committee created by Act 84, H. J. R. 126, 1976 Regular Session (Acts 1976, p. 84) and supplemented by Act 79-52, S. J. R. 19, 1979 Regular Session (Acts of 1979, p. 70) shall henceforth be known as the Joint Prison Committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 192, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION IN WRITING

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 507, on page 103 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 507, referred to the Standing Committee on Rules for placement on the Consent Calendar.

ADJOURNMENT

At 5:40 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, April 15, 1980, at 1:30 P.M.

TWENTY-SECOND LEGISLATIVE DAY

TUESDAY, APRIL 15, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Wayne Futral, Southside Baptist Church, Fayette, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-First Legislative Day was approved by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 341. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their election.

ALBERT McDONALD,
Chairman.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Goodwin and Keener:

S. 563. To provide for the minimum compensation for all deputy sheriffs of the several counties of the state.

Committee on Finance and Taxation.

By Mr. Keener (with notice and proof):

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 564, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 565. Relating to Cullman County: To amend Act No. 896, Regular Session, 1978. To further provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes so as to provide for funds for schools.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 565, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 566. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 566, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca (with notice and proof):

S. 567. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide the conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option; and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 567, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca (with notice and proof):

S. 568. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 568, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. deGraffenried (with notice and proof):

S. 569. Relating to Tuscaloosa County, to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 569, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan :

S. 570. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 571. To amend Section 36-16-8 of the Code of Alabama 1975, to increase the dollar value from \$100.00 to \$500.00 for nonconsumable property that has to be reported by the property manager of each department or agency of the state to the property inventory control division, and decreasing the frequency of reporting from every six months to every two years.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 572. To amend Section 41-1-6 of the Code of Alabama 1975, so as to increase the dollar value from \$100.00 to \$500.00 for nonconsumable personal property which has to be reported by the property manager of each department or agency of the state, and decreasing the frequency of the report from every six months to once every two years.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 573. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Committee on Rules.

By Messrs. White and Harrison:

S. 574. To amend Section 20-2-75 of the Alabama Uniform Controlled Substances Act so as to change the provisions relating to possession of and transactions in drug related objects; to change the definition of certain terms; to change the penalties; to prohibit certain activities relating to drug related objects; to provide for defenses; to declare certain instruments, devices, and objects to be contraband; to provide for severability; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws to provide for forfeiture for objects possessed, sold or given away in violation hereof; and for other purposes.

Committee on Judiciary.

By Messrs. Harrison, Hall, White, Lemaster, Holmes, Britnell, Cook, Teague, Callahan, Taylor, Bailey, Martin, Robertson, Higginbotham, Proctor, Denton, Little, Kirkland, Gulledge, Barron, McDonald, Parsons, Vacca, Keener, deGraffenried and Miller:

S. 575. To prohibit the sale, distribution or possession of drug paraphernalia without a prescription and to prescribe penalties for violation.

Committee on Judiciary.

By Mr. Taylor (with notice and proof):

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 576, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE
Secretary.

By Mr. Callahan (with notice and proof):

S. 577. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 577, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE
Secretary.

By Mr. Bailey:

S. 578. To amend Section 9, Act No. 620, H. 711, Acts of Alabama, Regular Session 1978, so as to provide that the governing body as defined in said Act, may by resolution, add to the court costs in civil and criminal cases in the circuit, district and municipal courts, a fee, not to exceed \$5.00, which would be charged and collected as other court costs in such cases and used by said governing body to provide funds to support the public corporation established by said act.

Committee on Finance and Taxation.

By Messrs. Kirkland, Keener and Parsons:

S. 579. To provide further for the trapping of fur-bearing animals and the sale of furs and hides; to amend Sections 9-11-59, 9-11-61, 9-11-63, 9-11-242, 9-11-243, 9-11-254 and 9-11-268, Code of Alabama 1975, which pertain to the laws relating to hunting and trapping of wild game and fur-bearing animals, so as to increase the license fees and penalties for violations, decrease the number of traps allowable and authorize the department of conservation and natural resources to create a system of selling and placing tags and markers on furs removed from the fur-bearing animal; to place certain restrictions consistent with this act, upon fur dealers and fur catchers, and to provide penalties for violations of this act.

Committee on Agriculture, Conservation and Forestry.

RESOLUTION

Mr. Glass offered the following Senate Resolution, to-wit:

S. R. 146. HONORING MR. CHARLIE F. BYRD, TILLMAN'S CORNER "CITIZEN OF THE YEAR."

Which was adopted.

SENSE OF THE SENATE

In response to a question by Mr. Barron, the President and Presiding Officer requested the Sense of the Senate on the following question: "Is it your interpretation of Rule 57 that the final Committee vote on a bill be a roll call vote?"

Yeas 10; Nays 17.

Yeas:

Messrs.:	Hall	Martin	Smith	
Barron	Kirkland	Parsons	White	
Cook	Little	Robertson		—10

Nays:

Messrs.:	Figures	McDonald	Taylor	
Bailey	Harrison	Pearson	Teague	
Callahan	Higginbotham	Proctor	Vacca	
deGraffenried	Holmes	St. John	Weeks	
Denton	Keener			—17

Thereafter, the President and Presiding Officer ruled that the final Committee vote on a bill need not be a roll call vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Parker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 198. MOURNING THE TRAGIC DEATH OF OFFICER JOHN WARD DOTSON OF CHICKASAW, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 198, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 109. CHANGING THE NAME OF OLD JIM WILLIAMS ROAD IN MADISON COUNTY TO JIM WILLIAMS ROAD.

JOHN W. PEMBERTON.
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate concurred in and adopted the following House amendment to the Resolution, S.J.R. 109, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. J. R. 109

Amend S. J. R. 109, Line 2 of the Second Paragraph, after the word "Commission" by striking is and inserting in lieu thereof are.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Barron	Figures	Martin	Robertson
Britnell	Hall	McDonald	Taylor
Cook	Harrison	Miller	Weeks
deGraffenried	Holmes	Parsons	—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 187. CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE MANAGEMENT OF ALL STATE FUNDS.

WHEREAS, there are numerous and various funds of the multiple state agencies, departments and boards which receive state appropriations to be handled and invested in many diverse manners; and

WHEREAS, the complexity of such disposition of state funds needs to be thoroughly investigated and studied for the purpose of assessing existing procedures and making recommendations as to the management of such vast amounts of money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall make an in-depth investigation and study of the management of all public funds involving any state monies whatsoever.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The Committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Expenditures of this Committee are limited to \$10,000 per year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H.J.R. 187, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 197. URGING THE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN ALABAMA TO ENFORCE SECTION 13A-11-12 OF THE CODE OF ALABAMA 1975, AS AMENDED, WITH REGARD TO DESTRUCTION OR DEFACEMENT OF A TOMBSTONE OR OTHER MONUMENT OF THE DEAD.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call to the attention of the Attorney General and all District Attorneys of Alabama that destruction or defacement of a tombstone or other monument of the dead is in violation of Section 13A-11-12 of the Code of Alabama 1975, as amended.

BE IT FURTHER RESOLVED, That we respectfully urge the Attorney General and all District Attorneys in Alabama to prosecute to the fullest all individuals charged with such violations which are punishable in Alabama as a Class A Misdemeanor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Attorney General of Alabama, with a copy also to each District Attorney in this State, that they may at once take steps to comply with this request.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 197, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 192. RENAMING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE THE JOINT PRISON COMMITTEE.

Also:

H. J. R. 193. CONGRATULATING MISS LAURA ANN RICE, ALABAMA'S 1980 "MAID OF COTTON."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 128. COMMENDING DEAN KATHARINE C. CATER FOR LOYALTY AND DEVOTION TO AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

MOTIONS IN WRITING

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 143, on page 104 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 143, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 142, on page 104 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 142, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. deGraffenried, Robertson, and Cook offered the following Senate Resolution, to-wit:

S. R. 147. COMMENDING SERGEANT HORACE W. HODGES AND LIEUTENANT ADOLPH SOUTH OF THE TUSCALOOSA POLICE DEPARTMENT.

Which was adopted.

MOTION IN WRITING

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 320, on page 106 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said bill, H. B. 320, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 148. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-second legislative day only:

Bill No.	Page No.	Description
S. B. 1	40	Cost-of-living increase, TRS and ERS retirees
S. B. 467	83	AL Agri. Dev. Act
S. B. 54	9	Empl's Ret. Sys. adm. & resp.
S. B. 57	10	Court Martial, proceedings
S. B. 186	11	Juvenile, garnishment of parent earnings

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S. B. 237	63	Muni. Incopr. alter corp. limits
S. B. 250	99	Welfare Recipient conf.
S. B. 286	Consent Cal.	AL. Energy Mang. Cons. Act of 1980
S. B. 346	75	Indust. Dev. Auth., grants, Airport Auth.
S. B. 354	46	Gasohol conservation, tax break
S. B. 308	58	Savings & Loan
S. B. 360	76	Firemen & Police Officers killed in the line of duty.
S. B. 401	65	Ed., Sup't of alternate rept. for in prog. formula
S. B. 453	77	Tusc., Add'l Dis. Ct. Judge
S. B. 458	82	AL Bldg. Inspec. Board, created
S. B. 31	4	Person may charge same interest rate as banks
S. B. 480	108	Corp., City franchise abolished, hiring
S. B. 497	113	Medical Treatment, indigent patients
S. B. 508	101	Examiners of Public Accts. fed money disposition
S. B. 513	Consent Cal.	16th Jud. circ. Circ. Judge salary
S. B. 197	30	Unempl. Comp. Act, am'd certain sect.
H. B. 41	81	Excellence in local education act
H. B. 144	105	Salaries, Bd. of Commissioners
S. B. 196	49	Unempl. Comp. Act, wages, etc.
S. B. 193	14	Child Labor Law
S. B. 195	87	Unempl. Comp. Act, int. rate

On motion of Mr. McDonald, the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Robertson offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 26, on page 74 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 26, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS
ON THIRD READING

The Bill:

H. 751. To amend Section 10 of Act No. 787, H. 1057, of the 1979 Regular Session, which relates to an increase in sales tax for Cherokee County so as to provide that one-half of the tax proceeds shall go to the county and one-half to the County Board of Education; and to make this act retroactive.

was taken up.

Mr. Keener offered the following substitute for the Bill, H. B. 751, to-wit:

SUBSTITUTE FOR H. B. 751

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 and Section 10 of Act No. 79-787, H. 1057, of the 1979 Regular Session, which relate to an increase in sales tax for Cherokee County, so as to provide that one-half of the tax proceeds shall go to the county and one-half to the county board of education; to provide that the tax on retail sales of automotive vehicles, trucks, trailers, semi-trailers or house trailers, and on machinery or equipment used for agricultural purposes shall be one-fourth of one percent; and to make this Act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 and Section 10 of Act No. 79-787, H. 1057, of the Regular Session 1979, are hereby amended to read as follows:

"Section 2. Authorization of Levy of Sales Tax. The governing body of the county is hereby authorized to levy and impose in the county, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount not exceeding one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the

tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

"(b) upon every person, firm or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount not exceeding one percent of the gross receipts of any such business;

"(c) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount not exceeding one-half of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

"(d) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck, trailer, semi-trailer or house trailer, an amount not exceeding one-fourth of one percent of the gross proceeds of sale of said automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax authorized to be levied herein, a fee of one dollar and twenty-five cents (\$1.25) per year or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for twelve succeeding months or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"(e) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or produce, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-fourth percent (1/4%) of the gross proceeds of the sale thereof. Provided, however, the one-fourth percent (1/4%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade; and

"(f) upon every person, firm or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount not exceeding one-half of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

"There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax Statutes from the computation of the amount of the State Sales Tax."

"Section 10. Use of Tax Proceeds. The proceeds of any taxes herein authorized to be levied shall be paid over by the county within ten (10) days after their receipt as follows:

"(a) Fifty percent (50%) of said proceeds shall be paid over to the County Board of Education.

"(b) The remaining fifty percent (50%) of said proceeds shall be paid over to the general fund of the county and used and applied for general purposes."

Section 2. The operation of this act shall be retroactive to July 18, 1979, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Clemon	Lemaster	Proctor	White
Cook	Little		
			—25

Nays: —0

And said Bill, H. B. 751, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Clemon	Lemaster	Proctor	White
Cook	Little		
			—25

Nays: —0

The Bill:

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor
Bailey	Figures	Little	Smith
Barron	Glass	McDonald	Teague
Britnell	Goodwin	Mitchem	Vacca
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Keener		
			—25

Nays: —0

The Bill:

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Cook	Holmes	Parsons	Teague	
Denton	Keener	Pearson	Weeks	
Figures	Kirkland			—25

Nays:

— 0

The Bill:

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0;

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	McDonald	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Gulledge	Pearson	Weeks	
Clemon	Hall	Proctor	White	
Cook	Keener			—25

Nays:

—0

The Bill:

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Martin	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Goodwin	Pearson	Vacca
Callahan	Hall	Proctor	Weeks
Clemon	Keener	St. John	White
Cook	Lemaster		

—25

Nays: —0

The Bill:

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.
was taken up.

Mr. Keener offered the following substitute for the Bill, S. B. 396, to-wit:

SUBSTITUTE FOR S. B. 396

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the jury commission of Etowah County shall receive for the performance of his official duties, in lieu of all other compensation heretofore provided for salary and all other compensation for such clerk, the sum of two hundred fifty dollars (\$250.00) per month. Such sum shall be payable from the county treasury in the same manner as the salaries of other county officials.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws, whether general, special or local, which conflict with this act are repealed, and all laws relating to the compensation of the clerk of the jury commission of Etowah County are specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Goodwin
Bailey	Clemon	Figures	Gulledge
Barron	Cook	Glass	Hall

Keener	Mitchem	Smith	Vacca	
Lemaster	Pearson	Taylor	Weeks	
Little	Proctor	Teague	White	
Martin	St. John			—25

Nays: —0

And said Bill, S. B. 396, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Gulledge	Pearson	Vacca	
Clemon	Hall	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 541, to-wit:

SENATE LOCAL LEGISLATION NO. 1
COMMITTEE AMENDMENT TO S. B. 541

Amend S. B. 541, Section 3, page 1, line 35, by striking the words and phrases "January 1, 1981" and inserting in lieu thereof the words and phrases:

April 1, 1981

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Smith	
Bailey	Figures	Little	Taylor	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Proctor	White	
Cook	Keener			—25

Nays: —0

And said Bill, S. B. 541, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Smith
Bailey	Figures	Little	Taylor
Barron	Glass	Martin	Teague
Britnell	Goodwin	McDonald	Vacca
Callahan	Hall	Mitchem	Weeks
Clemon	Holmes	Proctor	White
Cook	Keener		

—25

Nays: —0

The Bill:

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Goodwin	Miller	Teague
Britnell	Gulledge	Mitchem	Vacca
Clemon	Hall	Parsons	Weeks
Cook	Holmes	St. John	White
Denton	Kirkland		

—25

Nays: —0

The Bill:

H. 738. Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Kirkland	Proctor	White
Cook	Little		

—25

Nays: —0

The Bill:

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Parsons	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	McDonald	Taylor	
Callahan	Hall	Miller	Teague	
Cook	Holmes	Mitchem	Weeks	
Denton	Keener			—25

Nays: —0

The Bill:

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Harrison	Parsons	Teague	
Cook	Holmes	Pearson	Weeks	
Denton	Keener			—25

Nays: —0

The Bill:

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Callahan	Hall	Pearson	Vacca	
Clemon	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Bailey	Figures	Martin	Smith
Barron	Glass	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Proctor	White
Cook	Kirkland		

—25

Nays:

—0

The Bill:

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 493, to-wit:

COMMITTEE AMENDMENT TO S. B. 493

Amend Senate Bill 493 as follows:

On page 1, Section 1, line 18, strike the word "shall" and insert in lieu thereof:

may

Also, on page 1, Section 1, line 19, strike the word "of" and insert in lieu thereof:

not to exceed

Also, on page 1, Section 1, line 20, strike the word "shall" and insert in lieu thereof:

may

Also, on page 1, Section 1, line 21, strike the word "of" and insert in lieu thereof:

not to exceed

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	Martin	St. John
Barron	Glass	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Pearson	White
Cook	Kirkland		

—25

Nays:

—0

And said Bill, S. B. 493, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	Martin	St. John
Barron	Glass	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Pearson	White
Cook	Kirkland		

—25

Nays:

—0

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Proctor and Parsons:

S. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 554. Authorizing any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, to incorporate a Port Authority for the purpose of building or leasing waterfront facilities; provides the conditions

under which the authority shall be created; provides for the election of the officers; provides for the duties and powers of said authority; provides for the issuance of tax exempt securities to finance said Authority; provides for the distribution of the proceeds from the issuance of the securities; authorizes refunding of the securities; provides for remedies in the event of a default; and authorizes the authority to enter into contracts.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (With Substitute) (With Amendment):

S. 343. To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties, and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 529. To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with notice and proof):

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

By Rep. Smith (J) (with notice and proof):

H. 117. Relating to Madison County; relating to Section 2 of Act No. 79-794, S. 564 of the 1979 Regular Session (Acts 1979, p. 1451) which provides alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes, so as to repeal said section 2.

By Rep. Smith (J) (with notice and proof):

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

By Reps. Brakefield and Naramore (with notice and proof):

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

By Rep. Bowling (with notice and proof):

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

By Rep. Laird (with notice and proof):

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

By Reps. Carter and Smith (J) (with notice and proof):

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

By Reps. Carter and Smith (J) (with notice and proof):

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

By Reps. Carter and Smith (J) (with notice and proof):

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

By Rep. Minus (with notice and proof):

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

By Rep. Laird (with notice and proof):

H. 826. To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

By Reps. Patton and Roberts (with notice and proof):

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

By Rep. Adams (C) (with notice and proof):

H. 840. To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

By Rep. Adams (C) (with notice and proof):

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

By Rep. Campbell (with notice and proof):

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama:

By Reps. Roberts and Patton (with notice and proof):

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

By Reps. Crow and Campbell (with notice and proof):

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

By Rep. Riddick (with notice and proof):

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

By Rep. Mr. McDonald (with notice and proof):

S. 503. Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (With Substitute) (With Amendment):

S. 107. To repeal any laws expressly or impliedly sanctioning any deductions from penitentiary and hard labor sentences automatically made and without exceptionally good behavior and industriousness by the inmate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Martin:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

By Mr. Hall (With Amendments):

S. 307. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that all high school principals be appointed as deputy registrars.

By Mr. Hall (With Amendment):

S. 199. To amend Section 36-21-7, Code of Alabama 1975, which relates to the minimum standards and physical qualifications for fire fighters, so as to remove fire districts established by local legislation from the purview of the act.

By Mr. Britnell:

S. 84. Proposing an amendment to the Constitution of Alabama providing that resolutions shall be restricted to one subject clearly expressed in its title.

CONSENT CALENDAR

The Bill:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas

Messrs.:	Hall	Miller	Smith
Barron	Higginbotham	Mitchem	Taylor
Britnell	Keener	Parsons	Teague
Cook	Martin	Proctor	Weeks
Denton	McDonald	Robertson	White
Gulledge			

—20

Nays:

—0

The Bill:

S. 307. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that all high school principals be appointed as deputy registrars.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 307, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 307

Amend Senate Bill 307, page 1, line 26, by inserting after the word "county" the following:

"upon written request of said principal."

Which was adopted.

Yeas 10; Nays 1.

Yeas:

Messrs.:	Gulledge	Holmes	Smith	
Barron	Hall	Martin	Taylor	
Denton	Higginbotham	Parsons		—10

Nay: Mr. McDonald. —1

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 307, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 307, AS AMENDED

Amend Senate Bill 307, page 1, line 28, by inserting after the word "registrars" the following:

"be a registered voter"

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Hall	McDonald	Smith	
Barron	Harrison	Miller	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Kirkland	Pearson	White	
Figures	Little	Robertson		—26

Nays: —0

And said Bill, S. B. 307, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 11.

Yeas:

Messrs.:	Figures	Holmes	Parsons
Bailey	Gulledge	Little	Pearson
Britnell	Hall	Martin	Smith
Clemon	Harrison	Mitchem	Vacca

—15

Nays:

Messrs.:	Denton	McDonald	Teague
Callahan	Higginbotham	Miller	Weeks
deGraffenried	Kirkland	St. John	White

—11

RESOLUTION

Mr. Proctor offered the following Senate Resolution, to-wit:

S. R. 149. COMMENDING MRS. FAY BLACKWOOD SIMPKINS ON HER INDUCTION INTO THE TEACHER HALL OF FAME AT JACKSONVILLE STATE UNIVERSITY.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 199. To amend Section 36-32-7, Code of Alabama 1975, which relates to the minimum standards and physical qualifications for fire fighters, so as to remove fire districts established by local legislation from the purview of the act.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 199, to-wit:

AMENDMENT TO S. B. 199

Amend Senate Bill 199, page 1, line 12, by striking the word "remove" and inserting in lieu thereof the following:

"make optional participation by"

Further amend on page 1, line 22, by striking the word "remove" and inserting in lieu thereof the following:

"make optional participation by"

Further amend Senate Bill 199, on page 3, line 17 by striking the word "apply" and inserting in lieu thereof "be mandated"

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Sasser, Ray, Grimsley and Whatley (with notice and proof):

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 839, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sasser, Grimsley and Ray (with notice and proof):

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 585, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 902, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 903, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 908, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts and Patton (with notice and proof):

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 910, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 839, 585, 902, 903, 908, and 910. 'To the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McCorquodale (with notice and proof):

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 919, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 920, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 921, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Shavers (with notice and proof):

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 797, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 919, 920, 921, and 797. To the Committee on Local Legislation
No. 1

FURTHER CONSIDERATION OF S. B. 199

The Senate proceeded to further consideration of the Bill, S. B. 199. The question was on the Committee amendment.

And said amendment was then adopted by the Senate.

Yeas 10; Nays 2.

Yeas:

Messrs.:	Clemon	Hall	Smith	
Barron	deGraffenried	Little	Taylor	
Britnell	Denton	Mitchem		—10

<i>Nays:</i> Messrs. Teague, White.	—2
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And said Bill, S. B. 199, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 5.

Yeas:

Messrs.:	Clemon	Holmes	Robertson	
Barron	Cook	Keener	St. John	
Britnell	Denton	Little	Vacca	
Callahan	Hall	Parsons		—14

Nays:

Messrs.:	Mitchem	Teague	White	
McDonald	Taylor			—5

Mr. Cook moved that the Senate reconsidered the vote by which the Bill, S. B. 199, as amended, was passed.

Mr. Hall moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 4; Nays 18.

Yeas:

Messrs.:	Holmes	Lemaster	Little	
Hall				—4

Nays:

Messrs.:	Goodwin	Parsons	Taylor	
Britnell	Higginbotham	Proctor	Teague	
Cook	Keener	Robertson	Weeks	
deGraffenried	McDonald	St. John	White	
Denton	Mitchem	Smith		—18

The question then recurred on the motion to reconsider, which motion was adopted.

On motion of Mr. Cook, further consideration of the Bill, S.B. 199, as amended, was postponed until the next Legislative Day.

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Yeas 19; Nays 6.

Yeas:

Messrs.	Denton	McDonald	Smith	
Bailey	Goodwin	Mitchem	Taylor	
Callahan	Gulledge	Proctor	Teague	
Cook	Higginbotham	Robertson	Weeks	
deGraffenried	Kirkland	St. John	White	—19

Nays:

Messrs.:	Britnell	Little	Pearson	
Barron	Hall	Parsons		—6

BILL RECONSIDERED

Mr. Mitchem moved that the Senate reconsider the vote by which the Bill, S. B. 307, as amended, was passed.

Mr. Hall moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 9; Nays 16.

Yeas:

Messrs.:	Britnell	Holmes	Parsons	
Bailey	Hall	Little	Pearson	
Barron	Harrison			—9

Nays:

Messrs.:	Goodwin	Mitchem	Taylor	
Callahan	Kirkland	Robertson	Weeks	
Cook	McDonald	St. John	White	
deGraffenried	Miller	Smith		—16
Denton				

The question then recurred on the motion to reconsider, which motion was adopted.

Mr. Mitchem then moved that further consideration of the Bill, S. B. 307, as amended, be postponed until the next Legislative Day.

Mr. Teague offered a substitute motion that the Bill S. B. 307, as amended, be indefinitely postponed, which motion was adopted.

Yeas 13; Nays 11.

Yeas:

Messrs.:	Higginbotham	St. John	Weeks	
Callahan	Keener	Smith	White	
Denton	Kirkland	Teague		—13
Goodwin	Miller			
Harrison				

Nays:

Messrs.	Britnell	Holmes	Mitchem	
Bailey	deGraffenried	Little	Parsons	
Barron	Hall	McDonald	Taylor	—11

The Bill:

S. 84. Proposing an amendment to the Constitution of Alabama providing that resolutions shall be restricted to one subject clearly expressed in its title.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton			

—24

Nays:

—0

RESOLUTIONS

Messrs. Martin, Barron, Harrison, Bailey, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Teague, Vacca, Weeks and White, offered the following Senate Joint Resolution, to-wit:

S. J. R. 150. MOURNING THE DEATH OF MRS. ANNIE DELAY TAYLOR.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Annie DeLay Taylor at her home in Moultrie, Georgia, April 12, 1980, at the age of 86; and

WHEREAS, a native of Georgia, Mrs. Annie Taylor was the widow of the late Stoy Thurston Taylor and was the mother of Senator Cordy Taylor, Mrs. Elizabeth Mathews, Miss Juanita Taylor, Stoy T., Jr., Asberry Taylor and Wiley Taylor; and

WHEREAS, Mrs. Taylor was a member of the Tyson Memorial Methodist Church of Moultrie and she served both her community and her Lord through her membership in this church; and

WHEREAS, she greatly and favorably influenced the lives of all those whom she knew and loved, especially her children, who commendably reflect her teachings of priorities, the wisdom of her guidance, her ideals and her faith.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that we are deeply saddened by the death of Mrs. Annie DeLay Taylor and extend our most heartfelt sympathy to all members of her family.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to her son, Senator Cordy Taylor and other family members that they may know of our concern for them and may know, too, that we share the sorrow of their loss.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 151. COMMENDING STATE ORATORICAL CHAMPION, THOMAS BUNDENTHAL OF SELMA, ALABAMA.

WHEREAS, the Alabama Legislature is extremely pleased to note the first place ranking of young 16-year-old Thomas Bundenthal in the American Legion's 43rd Annual High School Oratorical Contest, held recently in Birmingham; and

WHEREAS, his speech entitled, "Our Constitution Copper Sheathed and Rock Bottomed!", placed first in debate to distinguish Thomas as the first student from Selma Senior High School ever to win this prestigious statewide American Legion contest; and

WHEREAS, only a high school junior, Tom previously has won numerous other awards and honors in oratory, including first place in both Persuasive Speaking and Best All Around Speaker of all events in the February 1980 National Bicentennial Debate Tournament in Williamsburg, Virginia; sponsored by the Reader's Digest and the Thirteen Original States, this event featured the best speakers from 30 states, representing 54 high schools; and

WHEREAS, Thomas Bundenthal, who was elected and served as Tri Hi-Y's Honorary Mayor of Selma for one day this past January, also is a 1979 champion of the University of Kansas Debate Clinic, and is the '79 champion of Samford University's Debate Clinic as well; and

WHEREAS, consistently a champion, Tom is a winner of Selma High School, Dallas County and Alabama Regional Oratorical contests; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Thomas Bundenthal of Selma, Alabama, on his extraordinary achievement as a young champion orator.

BE IT FURTHER RESOLVED, That we extend best wishes for success in the upcoming American Legion regional contest in Atlanta and direct that Thomas receive a copy of this resolution in token of our praise and high regard.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White, offered the following Senate Joint Resolution, to-wit:

S. J. R. 152. COMMENDING HAL BLOOM, JR., EXECUTIVE ASSISTANT TO SPEAKER JOE C. McCORQUODALE.

WHEREAS, Mr. Hal Bloom, Jr., most ably serves as Executive Assistant to Speaker of the Alabama House of Representatives, The Honorable Joe C. McCorquodale, and has served in such responsible capacity since 1975; and

WHEREAS, a native of Tuscaloosa, he is a 1972 graduate of Livingston University where he was active in numerous organizations in various capacities of leadership; prior to his present position he served as Executive Vice President of the Demopolis Area Chamber of Commerce, beginning in 1972, at which time he was the youngest Chamber executive in the State of Alabama; and

WHEREAS, active in many of the civic, charitable and community affairs of the Demopolis area, Mr. Bloom has continued such interests and involvement since moving to Montgomery; he is a member of the Montgomery Rotary Club and is listed in Who's Who of the South and Southeast; and

WHEREAS, in his position with Speaker McCorquodale, Hal Bloom's arduous responsibilities have included planning of legislative programs, liaison with the Governor's office, preparation of speeches, reports, press releases and general press relations work as well as management of the office staff; and

WHEREAS, additionally, he has proved to be exceedingly helpful, on numerous occasions, to the members of the Alabama House of Representatives and the Alabama Senate as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most gratefully express our appreciation to our friend, Hal Bloom, Jr., for his notable contributions to the pressing affairs of the Legislature and for his outstanding service to the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Bloom be presented with a copy of this resolution which we tender in sincere praise and in evidence of our warm personal regard.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 1. To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1979; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Mr. Britnell offered the following substitute for the Bill, S. B. 1, to-wit:

SUBSTITUTE FOR S. B. 1

A BILL TO BE ENTITLED AN ACT

To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an

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employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act, provided further that employees in the class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be appropriated to the Employees' Retirement System from the Alabama Special Education Trust Fund; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide the necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1980, to any person retired prior to October 1, 1979, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase in his maximum retirement allowance as follows:

A. If such person retired prior to October 1, 1963, a 15% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$30. nor more than \$60. per month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 36-27-7, and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975, Section 36-27-7.1), he shall receive an increase of not less than \$15. nor more than \$40. per month.

B. If such person retired on or after October 1, 1963, but prior to October 1, 1973, a 10% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$20. nor more than \$40. per month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 36-27-7 and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975 Section 36-27-7.1), he shall receive an increase of not less than \$10. nor more than \$20. per month.

C. If such person retired on or after October 1, 1973, but prior to October 1, 1979, a 5% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$10. nor more than \$30. per month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 37-27-7, and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975, Section 36-27-7.1) he shall receive an increase of not less than \$5. nor more than \$15. per month.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Code of Alabama 1975, Title 12, Chapter 18, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama the sum of \$5,204,669 (estimated), or as much as is necessary to carry out the provisions of this act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature continues to authorize the benefits herein provided.

(b) There is hereby further appropriated from the Alabama Special Education Trust Fund to the Employees' Retirement System of Alabama the sum of \$65,353 (estimated), or as much as necessary to carry out the provisions of this act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature continues to authorize the benefits herein provided.

(c) (1) To the extent that the provisions of this act apply to the Employees' Retirement System of Alabama, and excepting those persons provided for in subsection 3(b), there is hereby appropriated from the funds from which salaries are paid the amounts sufficient to carry out the provisions of Section 1 of this act for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the employer contribution of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such departments, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided.

(2) The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in Section 1 of this act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent appropriations shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this act.

(e) No person whose retirement under the Teachers' or State Employees' Retirement System is based primarily upon service as an employee of an employer participating under § 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this

section. Any employer participating under § 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. The cost-of-living increase provided retirements herein shall remain in effect only so long as the Alabama Legislature continues to authorize and fund such benefits. In no way shall this act be interpreted as to constitute a continuing obligation of the funds of the Teachers' or Employees' Retirement Systems of Alabama.

Section 5. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such persons eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this act shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 6. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act shall become effective October 1, 1980, following its passage by the Alabama Legislature and approval by the Governor.

Mr. Hall offered the following amendment to the substitute, for the Bill, S. B. 1, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 1

On page 1, line 8, after the word "Alabama", insert:

and the spouses of such retired persons, if said spouse receives Teachers' Retirement System benefits or Employees' Retirement System benefits and who is receiving a retirement allowance therefrom

On page 1, on line 30, after the word "Alabama", insert the following:

and the spouses of such retired persons, if the spouse receives Teachers' Retirement System benefits or Employees' Retirement System benefits and who is receiving a retirement allowance therefrom

On page 2, on line 13, after the word "Alabama", insert:

and the spouses of such retired persons, if said spouse receives Teachers' Retirement System benefits or Employees' Retirement System benefits and who is receiving a retirement allowance therefrom

Which was lost.

And said substitute was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Martin	Teague	
Clemon	Harrison	McDonald	Vacca	
deGraffenried	Higginbotham	Miller	Weeks	
Denton	Holmes	Mitchem	White	
Figures	Keener	Robertson		—26

Nays: —0

And said Bill, S. B. 1, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Barron	Harrison	McDonald	Taylor	
Britnell	Higginbotham	Miller	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Pearson	Weeks	
Figures	Lemaster	Robertson	White	
Goodwin	Little			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 187. CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE MANAGEMENT OF ALL STATE FUNDS.

Also:

H. J. R. 197. URGING THE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN ALABAMA TO ENFORCE SECTION 13A-11-12 OF THE CODE OF ALABAMA 1975, AS AMENDED, WITH REGARD TO DESTRUCTION OR DEFAACEMENT OF A TOMBSTONE OR OTHER MONUMENT OF THE DEAD.

Also:

H. J. R. 198. MOURNING THE TRAGIC DEATH OF OFFICER JOHN WARD DOTSON OF CHICKASAW, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

Also:

H. 738. Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

Also:

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

Also:

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

Also:

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Also:

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

Also:

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Also:

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Also:

S. J. R. 109. Changing the name of Old Jim Williams Road in Madison County to Jim Williams Road.

Also:

S. J. R. 128. COMMENDING DEAN KATHARINE C. CATER FOR LOYALTY AND DEVOTION TO AUBURN UNIVERSITY.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 467. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences or indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the

management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, S. B. 467, was postponed temporarily.

On motion of Mr. McDonald, the Rules were suspended and
The Bill:

S. 453. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 453, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 453

A BILL TO BE ENTITLED AN ACT

The amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and two for Cullman County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Madison, Etowah, Morgan, Talladega, Tuscaloosa, Cullman and Walker Counties shall each have two resident district judges.

"(2) Montgomery County shall have three resident district judges.

"(3) Mobile County shall have four resident district judges.

"(4) Jefferson County shall have 12 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division.

"(5) Calhoun and Cleburne Counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both counties.

"(6) Coosa and Clay Counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties."

Section 2. There is hereby created and shall be established immediately after the general election in 1980, the office of District Judgeship No. 2 of Tuscaloosa County, which shall be in addition to the one judgeship now existing. The existing judgeship shall be designated District Judgeship No. 1. The first judge of said additional District Judgeship No. 2 of Tuscaloosa County shall be elected at the general election in 1980 in the manner provided by law and such judge shall hold office until a successor has been elected at the next regular election for district judges and has qualified. Thereafter, successors shall be elected at the same time and for the same term prescribed by law for the other district judge.

There is hereby created the office of district judgeship No. 2 of Cullman County, which shall be in addition to the one judgeship now existing. The existing judgeship shall be designated district judgeship No. 1. The first judge of said additional district judgeship No. 2 of Cullman County shall be appointed in the manner as provided by law for filling a vacancy in any judicial office and such judge shall hold office until a successor has been elected and qualified. Successors shall be elected at the same time and for the same term prescribed by law for the other district judge.

Section 3. The judge of said district judgeship No. 2 shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district judges may be subject to exercise and perform. The additional district judge provided for in this act shall receive the same salary and supplements payable in the same manner as the existing district judge of their respective county.

Section 4. There is hereby appropriated the sum of \$48,778 for the fiscal year 1980-81 from the general fund of Alabama for the support and maintenance of the office of district judgeship No. 2 for both Tuscaloosa County and Cullman County.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective October 1, 1980, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. deGraffenried, said substitute was laid on the table.

Mr. deGraffenried then offered the following substitute for the Bill, S. B. 453, to-wit:

SUBSTITUTE FOR S. B. 453

A BILL
TO BE ENTITLED
AN ACT

To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges, and to provide for the appropriation for such additional district judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Madison, Etowah, Morgan, Talladega, Tuscaloosa, Cullman, Marshall and Walker Counties shall each have two resident district judges.

"(2) Montgomery County shall have three resident district judges.

"(3) Mobile County shall have four resident district judges.

"(4) Jefferson County shall have 12 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division.

"(5) Calhoun and Cleburne Counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both counties.

"(6) Coosa and Clay Counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties.

Section 2. There is hereby created the office of district judgeship No. 2 of Tuscaloosa County, which shall be in addition to the existing office of district judge. The existing office of district judge shall be designated as district judge No. 1. The first judge of district judge No. 2 of Tuscaloosa County shall be elected at the general election in 1980 in the manner provided by law and such judge shall hold office for a six-year term, and until a successor has been elected and qualified. Thereafter, such additional judge shall be elected as provided by law.

Section 3. Effective October 1, 1980, there is hereby created the office of district judge No. 2 of Marshall County, which shall be in addition to the existing office of district judge. The existing district judge shall be designated as district judge No. 1. The first judge of district judge No. 2 of Marshall County shall be appointed in the manner as provided by law for filling a vacancy in any judicial office, and such judge shall hold office until a successor has been elected and qualified. Thereafter, such additional judge shall be elected as provided by law.

Section 4. Effective October 1, 1980, there is hereby created the office of district judge No. 2 of Cullman County, which shall be in addition to the existing office of district judge. The existing district judge shall be designated as district judge No. 1. The first judge of district judge No. 2 of Cullman County shall be appointed in the manner as provided by law for filling a vacancy in any judicial office, and such judge shall hold office until a successor has been elected and qualified. Thereafter, such additional judge shall be elected as provided by law.

Section 5. The judges of the respect district judgeships No. 2 of Tuscaloosa, Cullman and Marshall Counties, shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district judges may be subject to exercise and perform. The additional district judges provided for in this act shall receive the same salary and local supplements payable in the same manner as the existing district judge of their respective counties.

Section 6. There is hereby appropriated the sum of \$145,000 to the Unified Judicial System for the fiscal year 1980-81 from the general fund of Alabama for the support and maintenance of the offices of District Judgeships No. 2 for Tuscaloosa County, Cullman County, and Marshall County.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Pearson
Bailey	Gulledge	Martin	Robertson
Clemon	Higginbotham	McDonald	Smith
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener		—17

Nays: —0

And said Bill, S. B. 453, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Mitchem
Bailey	Goodwin	Keener	Robertson
Britnell	Gulledge	Lemaster	Smith
Clemon	Harrison	Little	Teague
Cook	Higginbotham	Martin	Vacca
			—19

Nays: —0

Mr. deGraffenried moved that the Senate reconsider the vote by which the Bill, S. B. 453, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 54. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

was taken up.

On motion of Mr. Teague, further consideration of the Bill, S. B. 54, was postponed temporarily.

FURTHER CONSIDERATION OF S. B. 467

The Senate proceeded to further consideration of the Bill, S. B. 467.

And said Bill, S. B. 467, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0; Abstaining 1.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Harrison	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Callahan	Holmes	Miller	Teague
Cook	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures			—28

Nays: —0

Abstaining: Mr. Barron. —1

By unanimous consent, the names of Messrs. Holmes, Goodwin, Little, Harrison, Robertson, and Britnell were added as co-sponsors of the above Bill.

The Bill:

S. 57. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

was taken up.

Mr. Cook offered the following amendment to the Bill, S. B. 57, to-wit:

AMENDMENT TO S. B. 57

On page 1, as a continuation of the quoted Section 31-2-92, insert the following new underlined language:

It is further provided that the limitation of prosecution provided for by Section 15-3-1, Code of Alabama 1975, shall apply to the institution of courts-martial as herein prescribed.

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Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Goodwin	Little	Taylor	
Britnell	Higginbotham	Martin	Vacca	
Callahan	Holmes	Miller	Weeks	
Cook	Keener	Robertson	White	
deGraffenried				—20

Nays: —0

And said Bill, S. B. 57, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Taylor	
Britnell	Holmes	Miller	Vacca	
Callahan	Keener	Mitchem	Weeks	
Cook	Little	Robertson	White	
Denton	Martin	Smith		—18

Nays: —0

The Bill:

S. 186. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

was taken up.

Mr. Little offered the following substitute for the Bill, S. B. 186, to-wit:

SUBSTITUTE FOR S. B. 186

A BILL
TO BE ENTITLED
AN ACT

To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provisions of law, in any case in which a responsible parent is under a court order to provide child support, a judge of the juvenile or circuit court in the county where the mother of the child resides or is found, or in the county where the father resides or is found, or in the county where the child resides or is found may enter an order of garnishment whereby no more than forth percent (40%) of the responsible parent's weekly disposable earnings shall be garnished for the support of his minor child. For purposes of this section, "disposable earnings" is defined as that part of the compensation paid or payable to the responsible parent for personal services, whether denominated as wages, salary, commission, bonus or otherwise (including periodic payments pursuant to a pension or retirement program) which remains after the deduction of any amounts required by law to be withheld. The garnishee is the person, firm, association or corporation by whom the responsible parent is employed.

Section 2. (a) The court may accept a motion for an order of garnishment from the child's mother, father or guardian, or if the child is a public charge, from the Department of Pensions and Security.

(b) The motion shall be verified and shall state that the responsible parent is under court order to provide child support, that said parent is delinquent in such child support, the name and address of the employer of the responsible parent, the responsible parent's weekly disposable earnings from said employer (which may be based upon information and belief), and the amount sought to be garnisheed, not to exceed forty percent (40%) of the responsible parent's weekly disposable earnings. The motion for the wage garnishment order along with a motion in join the alleged employer as a third-party garnishee defendant shall be served on both the responsible parent and the alleged employer in accordance with the provisions of the Alabama Rules of Civil Procedure.

(c) The time period for answering or otherwise responding to pleadings, motions, and other papers, issued pursuant to this section shall be in accordance with the time periods set forth in the Alabama Rules of Civil Procedure.

Section 3. In addition to the foregoing method for instituting a continuing wage garnishment proceeding for child support through motion, the mother, father, or guardian, or if the child is a public charge, the Department of Pensions and Security, may, in an independent proceedings, petition the court for an order of continuing wage garnishment. The petition shall be verified and shall state that the responsible parent is under court order, that said parent is delinquent in such child support, the name and address of the alleged employer-garnishee of the responsible parent, the responsible parent's weekly disposable earnings from said employer (which may be based on information and belief), and the amount sought to be garnisheed, not to exceed forty percent (40%) of the responsible parent's weekly disposable earnings. The petition shall be served on both the responsible parent and his alleged employer in accordance with the provisions for service of process set forth in Rule 4 of the Alabama Rules of Civil Procedure. The time period for answering or otherwise responding to process issued pursuant to this section shall be in accordance with the time periods set forth in the Alabama Rules of Civil Procedure.

Section 4. Following the hearing held pursuant to this section, the Court may enter an order of garnishment not to exceed forty percent (40%) of the responsible parent's weekly disposable earnings. If an order of garnishment is entered, a copy of same shall be served on the responsible parent and the garnishee either personally or by certified or registered mail, return receipt requested. The order shall set forth sufficient findings of fact to support the action by the Court and the amount to be garnisheed for each pay period. The order shall be subject to review for modification and dissolution upon the filing of a motion in the cause.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Little, further consideration of the Bill, S. B. 186, and pending substitute, was postponed until the next Legislative Day.

On motion of Mr. Teague, the Rules were suspended and

The Bill:

S. 542. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

was taken up.

Mr. Cook offered the following amendment to the Bill, S. B. 542, to-wit:

AMENDMENT TO S. B. 542

Amend Senate Bill No. S. 542, Page 3, Line 36, by striking out "10" after the word "hauling" and inserting in lieu thereof the word Fourteen "14",

Which was adopted.

Yeas 23; Nays 0; Abstaining 1.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Goodwin	Martin	Taylor
Callahan	Gulledge	Miller	Teague
Clemon	Harrison	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Lemaster	Robertson	White

—23

Nays: —0

Abstaining: Mr. Barron. —1

And said Bill, S. B. 542, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0; Abstaining 1.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	Miller	Taylor
Britnell	Harrison	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Proctor	Weeks
deGraffenried	Lemaster	Robertson	White
Denton	Little		

—25

Nays: —0

Abstaining: Mr. Barron. —1

FURTHER CONSIDERATION OF S. B. 54

The Senate proceeded to further consideration of the Bill, S. B. 54.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 54, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 54

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-27-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 36-27-23.

"(a) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in a board of trustees which shall be known as the board of control.

"(b) The board shall consist of seven eight trustees as follows:

"(1) The governor, ex officio, who shall be chairman.

"(2) The state treasurer, ex officio.

"(3) The state personnel director, ex officio. The clerk of the house of representatives or the secretary of the senate, serving alternating terms of four years, ex officio. The clerk of the house of representatives shall serve the beginning term of four years and shall take office immediately after being qualified and taking the oath of office and the secretary of the senate shall succeed him.

"(4) The director of finance, ex officio. The chief justice of the supreme court, or his designee, ex officio. The term of office of the chief justice or his designee shall begin immediately after being qualified and taking the oath of office.

"(5) Three members of the retirement system, to be appointed by the governor, no two of whom shall be from the same department of the state government nor from any department of which an ex officio trustee is the head. The terms of office of the three members appointed by the governor shall begin immediately after they have qualified and taken the oath of office. Four members of the state employees' retirement system, one of whom shall be a retired member of the state employees' retirement system and who shall be elected by a majority vote of the retired members of the state employees' retirement system; one of whom shall be a full-time employee of the legislative department of government and who shall be elected by a majority of the full-time employees of the legislative department of government; one of whom shall be a full-time employee of the judicial department of government and who shall be elected by a majority of the full-time employees of the judicial department of government; and one of whom shall be a full-time employee of the executive department of government and who shall be elected by a majority of the full-time employees of the executive department of government.

"During the month of July, 1980, and each four years thereafter, employees desiring to serve shall file with the Director of the Data Processing Division of the comptroller's office notice of their intent to run for the position. The Director of the Data Processing Division shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period of August, 1980, and each four years thereafter. Each state payroll clerk within one week shall collect the executed ballots and return to the Director of the Date Processing Division of the comptroller's office who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state who shall preserve the ballots and the printout for three months. The members elected shall serve for a four-year term and their replacements shall be elected in the same manner.

"(c) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

"(d) The trustees shall serve without compensation for their services as trustees, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the board of control.

"(e) Each trustee shall, within 10 days after his appointment, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board of control and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and immediately filed in the office of the secretary of state.

"(f) Each trustee shall be entitled to one vote in the board of control. Four votes in favor of any decision shall be necessary for a decision by the trustees at any meeting of said board.

"(g) Subject to the limitations of this article, the board of control shall, from time to time, establish rules and regulations for the administration of the funds created by this article and for the transaction of its business.

"(h) The board of control, by a majority vote of all its members, shall elect a secretary-treasurer who shall devote his time exclusively to the retirement system and who shall serve as the chief executive officer of the retirement system. The board of control shall engage such actuarial and other special services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board, with the exception of clerical employees who shall be employed under the provisions of the Merit System Act, and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board shall approve. The secretary-treasurer shall provide a monthly balance sheet to each of the trustees along with a monthly statement of expenses.

"The board shall meet in organizational session at 10:00 a.m. on the first Tuesday in September following the election provided for herein in the offices of the retirement system and shall elect a chairman and a vice chairman. The board shall provide for monthly meetings and shall receive the report of the secretary-treasurer which report shall apprise the members of the fund's condition and of proposed future activities.

"(i) The board of control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

"(j) The board of control shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

"(k) The attorney general of the state shall be the legal adviser of the board of control.

"(l) The board of control shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this chapter and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of control its conclusions and recommendations upon all matters referred to it.

"(m) The board of control shall designate an actuary who shall be the technical adviser of the board of control on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

"(n) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of control shall authorize, and, on the basis of such investigation, he shall recommend for adoption by the board of control such tables and such rates as are required in subsection (o). The board of control shall adopt tables and certify rates and, as soon as practicable thereafter, the actuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this article.

"(o) In 1948, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members of beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system and, taking into account the results of such investigation and valuation, the board of control shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and certify the rates of contribution payable by the state under the provisions of this article.

"(p) On the basis of such tables as the board of control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this article."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Parsons, said substitute was laid on the table.

Mr. Parsons then offered the following substitute for the Bill, S. B. 54, to-wit:

SUBSTITUTE FOR S.B. 54

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-27-23, Code of Alabama 1975, is hereby amended to read as follows:

§ 36-27-23.

"(a) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in a board of trustees which shall be known as the board of control.

"(b) The board shall consist of seven nine trustees as follows:

"(1) The governor, ex officio, who shall be chairman.

"(2) The state treasurer, ex officio.

"(3) The state personnel director, ex officio.

"(4) The director of finance, ex officio.

"(5) Three members of the retirement system, to be appointed by the governor, no two of whom shall be from the same department of the state government nor from any department of which an ex officio trustee is the head. The terms of office of the three members appointed by the governor shall begin immediately after they have qualified and taken the oath of office.

"(6) Two members of the state employees' retirement system who shall be elected by a majority vote of the participating full-time state employees who are members of the said system. For their original terms, one shall serve for a two-year term and one shall serve for a three-year term. Thereafter, their successors each shall serve for a four-year term.

"(i) During the month of July, 1980, employees desiring to serve shall file with the State Comptroller notice of their intent to run for the position. The Comptroller shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period of August 1980. Each state payroll clerk within one week shall collect the executed ballots and return them to the Comptroller who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the Comptroller to the Secretary of State, who shall preserve the ballots and the printout for three months.

"(ii) At the expiration of terms of office of the respective original trustees elected under this subsection (6), and every four years thereafter, their successors shall be elected in the same manner as provided by subsection (6)(i) of this section.

"(c) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

"(d) The trustees shall serve without compensation for their services as trustees, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the board of control.

"(e) Each trustee shall, within 10 days after his appointment, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board of control and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and immediately filed in the office of the secretary of state.

"(f) Each trustee shall be entitled to one vote in the board of control. Four votes in favor of any decision shall be necessary for a decision by the trustees at any meeting of said board.

"(g) Subject to the limitations of this article, the board of control shall, from time to time, establish rules and regulations for the administration of the funds created by this article and for the transaction of its business.

"(h) The board of control, by a majority vote of all its members, shall elect a secretary-treasurer who shall serve as the chief executive officer of the retirement system. The board of control shall engage such actuarial and other special services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board, with the exception of clerical employees who shall be employed under the provisions of the Merit System Act, and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board shall approve.

"(i) The board of control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

"(j) The board of control shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

"(k) The attorney general of the state shall be the legal adviser of the board of control.

"(l) The board of control shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this chapter and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of control its conclusions and recommendations upon all matters referred to it.

"(m) The board of control shall designate an actuary who shall be the technical adviser of the board of control on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

"(n) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of control shall authorize, and, on the basis of such investigation, he shall recommend for adoption by the board of control such tables and such rates as are required in subsection (o). The board of control shall adopt tables and certify rates and, as soon as practicable thereafter, the actuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this article.

"(o) In 1948, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system and, taking into account the results of such investigation and valuation, the board of control shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and certify the rates of contribution payable by the state under the provisions of this article.

"(p) On the basis of such tables as the board of control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this article."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Barron	Harrison	Little	Taylor
Britnell	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	White

—15

Nays:

—0

And said Bill, S. B. 54, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	St. John
Bailey	Harrison	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Keener	Pearson	Weeks
Callahan	Little	Proctor	White
Denton	Martin	Robertson	

—22

Nays:

—0

The Bill:

S. 237. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Taylor	
Bailey	Holmes	Miller	Teague	
Barron	Keener	Mitchem	Vacca	
Britnell	Lemaster	Parsons	Weeks	
Callahan	Little	St. John	White	
Denton	Martin	Smith		—22

Nays:

—0

The Bill:

S. 250. To prescribe that the name, address, case records, payments and services to any recipient of public assistance or welfare shall be deemed a public record; to require that the Commissioner of Pensions and Security be responsible for making such records available upon the request of any citizen; to require the state department of pensions and security to pay any legal fees and costs for any person who must petition the court to obtain such records; to amend Section 38-2-6 of the Code of Alabama, 1975, so as to remove the confidentiality of such records; and to repeal conflicting laws.

was taken up.

Mr. Robertson offered the following amendment to the Bill, S. B. 250, to-wit:

AMENDMENT TO S. B. 250

Amend Senate Bill No. 250, Page 1, Line 11, by inserting after the word Welfare—except those records of adopted or foster care children whose records shall be treated in the same manner as they are presently treated.

and further amend S. B. 250 page 1, line 27, by inserting after the word welfare—except those records of adopted or foster care children.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Taylor	
Bailey	Holmes	Mitchem	Vacca	
Barron	Keener	Robertson	Weeks	
Britnell	Little	Smith	White	
Denton	Martin			—17

Nays:

—0

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Mr. Robertson then offered the following amendment to the Bill, S. B. 250, as amended, to-wit:

AMENDMENT TO S. B. 250, AS AMENDED

Amend Senate Bill No. 250, as amended, Page 2, Line 7, by inserting after the word record—except those records of adopted or foster care children whose records shall be treated in the same manner as they are presently treated

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Holmes	Mitchem	Taylor
Bailey	Keener	Parsons	Teague
Britnell	Little	Robertson	Vacca
Denton	McDonald	Smith	Weeks
Gulledge			—16

Nays: —0

On motion of Mr. Clemon, further consideration of the Bill, S. B. 250, as amended, was postponed temporarily.

MOTION IN WRITING

Mr. Lemaster offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 458, on page 82 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 458, referred to the Standing Committee on Rules for placement on the Consent Calendar.

ADJOURNMENT

At 8:35 P.M., on motion of Mr. Keener, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 250, as amended, the Senate adjourned until Thursday, April 17, 1980, at 11 o'clock A.M.

TWENTY-THIRD LEGISLATIVE DAY

THURSDAY, APRIL 17, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles W. Adams, Associate Rector, Church of the Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Second Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Denton:

S. 580. To require the state military department to provide a complete formal military funeral ceremony for all honorably discharged or separated veterans of the United States Armed Services who are Alabama residents upon death and who are not provided such funerals under federal law, practice or guideline.

Committee on Governmental Affairs.

By Mr. Teague:

S. 581. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and co-operation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, engaged within this state in promoting the human, economic, and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and co-ordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advice on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to authorize the governor to transfer, from the general fund of the state treasury from funds currently available unencumbered and designated as federal revenue sharing or other federal funds, or from other unencumbered funds appropriated from the legislature for the current use by the governor, such amounts, as he deems necessary to implement the provisions of this act, to the office of State Planning and Federal Programs; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Committee on Governmental Affairs.

By Mr. Teague:

S. 582. To amend Sections 41-9-201 and 41-9-202 of the Code of Alabama 1975, relating to the Alabama development office, so as to further provide for the composition, the powers and duties thereof, and to allow the director to appoint additional assistant directors outside of the classified service, and to bring certain additional industry-related agencies under said office.

Committee on Governmental Affairs.

By Mr. Teague:

S. 583. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

Committee on Governmental Affairs.

By Messrs. Proctor, Barron, Parsons and deGraffenried:

S. 584. To provide that any lawyer who is presently licensed to practice law in this state shall never be required to attend any continuing legal education seminars, classes or courses or to attend any seminars classes or courses whatsoever, or pass any test or examination as a condition precedent to keeping his license to practice law; to provide that any rule or regulation of the state bar association or the order of any court of this state to the contrary shall be void ab initio.

Committee on Judiciary.

By Messrs. Harrison and Denton:

S. 585. To amend Section 28-3-266, Code of Alabama 1975 in order to raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages.

Committee on Judiciary.

By Mr. Smith:

S. 586. To exempt the Huntsville Symphony Orchestra Guild, Incorporated, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. White:

S. 587. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

Committee on Health and Welfare.

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By Mr. Parsons (with notice and proof):

S. 588. To amend Act No. 2271 of the 1971 Regular Session as amended by Act No. 121 of the 1971 Third Special Session of the Legislature of the State of Alabama applying to any counties having a population greater than 600,000 according to the most recent or any subsequent federal decennial census and to all municipalities therein, in order to provide alternative organizations, immunities, powers and procedures to facilitate preservation of the historic and/or architectural character of important places and significant areas and their environs and to conserve older distinctive neighborhoods or portions thereof, by reconstituting any existing historic development commission as a joint historical commission, by abolishing any architectural review boards and providing for their replacement by design review boards appointed by the county and municipal governing bodies of such counties, by prescribing the authority to be exercised by the above commissions, boards and governing bodies in promoting consistent preservation policies and programs and other efforts necessary to accomplish the purposes of this Act, including among other things the adoption and administration of landmarks, historic districts and conservation districts.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 588, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Parsons:

S. 589. To amend Code of Alabama § 12-16-8 (1975) to provide that jurors shall be entitled to usual compensation from their full-time employers, less the fee, compensation, or expense allowance received for serving on a jury.

Committee on Judiciary.

RESOLUTIONS

Mr. White offered the following Senate Resolution, to-wit:

S. R. 153. COMMENDING THE OBSERVANCE OF APRIL 13—19 AS PRIVATE PROPERTY WEEK.

Which was adopted.

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 154. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 320, AS AMENDED.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 320, as amended, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does H. B. 320, as amended, conflict with the 14th or 15th Amendment to the United States Constitution?

2. Does H. B. 320, as amended, conflict with the U.S. Civil Rights Act, Chapter 21 of Title 42 of the United States Code?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, H. B. 320, as amended, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 138. HONORING DR. HARRY MELVIN PHILPOTT FOR DISTINGUISHED SERVICE AS PRESIDENT OF AUBURN UNIVERSITY.

Also:

S. J. R. 139. COMMENDING DR. HANLEY FUNDERBURK ON HIS SELECTION TO LEAD AUBURN UNIVERSITY AS ITS TWENTIETH PRESIDENT.

Also:

S. J. R. 141. MOURNING THE DEATH OF COMMISSIONER GEORGE T. TAYLOR OF EUFAULA, ALABAMA.

Also:

S. J. R. 142. COMMENDING THE ATHLETIC PROGRAM AND THE OUTSTANDING ATHLETES OF THE ALABAMA SCHOOL FOR THE BLIND.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 208. TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONSTITUTIONAL CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA TO PROVIDE THAT UNLESS ADOPTED AS LAW BY THE CONGRESS, FEDERAL RULES AND REGULATIONS ADOPTED BY AN ADMINISTRATIVE BODY OR AN OFFICIAL IN THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT SHALL NOT BE THE SUPREME LAW OF THE LAND AND SHALL NOT BE SUPERIOR IN EFFECT TO ANY STATE LAWS OR PROVISIONS OF STATE CONSTITUTIONS.

WHEREAS, under present Supreme Court rulings, a federal rule or regulation adopted by an administrative body or federal official can have the effect of repealing, nullifying or pre-empting a state statute or constitutional provision; and

WHEREAS, the federal bureaucracy hastily decrees rules and regulations which entangle business enterprise, restrain free competition, inflate the costs of goods and cause confusion in all fields of endeavor; and

WHEREAS, the spread of federal rule by regulation has serious, dire implications for the continuance of a truly federal system of laws where states are free to exercise their sovereign powers; and

WHEREAS, it is imperative that the states of this nation unite to preserve and protect the responsibilities, powers and duties of states, which are the bastions of democracy, from the entangling, restricting, ever growing web of federal rules and regulations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama does hereby make formal application to the Congress of the United States of America pursuant to Article V of the Constitution of the United States of America to call a constitutional convention for the sole purpose of proposing an amendment to the Constitution of the United States to read as follows:

"Article . Federal rules and regulations.

"Unless adopted as law by the Congress, federal rules and regulations adopted by an administrative body or an official in the executive branch of the government of the United States shall not be the supreme law of the land and shall not be superior in effect to any state laws or state constitutional provisions."

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the United States Congress, and to the members of the congressional delegation from the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, further consideration of the Resolution, H. J. R. 208, set out in the foregoing Message from the House, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Pegues:

H. J. R. 207. WHEREAS, there is in place in Alabama, a State Health Planning and Development mechanism charged with reviewing and approving the acquisition or development of health care facilities and health care services, and substantial capital expenditures which by necessity are reflected in potentially increased charges to the Medicaid Program and all other citizens of the State; and

WHEREAS, this Health Planning and Development mechanism through its Certificate of Need program is attempting to prohibit construction or operation of unnecessary or duplicative health care facilities and health care services; and

WHEREAS, the Legislature recognizes such efforts of Health Planning and Development mechanism to identify and to implement only those components of a health care delivery system deemed necessary to assure available, quality care as an integral part of the Legislature's own concern for the health of the State's citizens; and

WHEREAS, Health, Education and Welfare has recently issued three Certificates of Need contrary to the position taken by the State Health Planning and Development Agency; and

WHEREAS, the State Health Planning and Development Agency is requesting of Health, Education and Welfare a reconsideration.

NOW, THEREFORE BE IT RESOLVED, that the Legislature express its support of the State's Health Planning and Development mechanism and formally request that the Department of Health, Education and Welfare in its oversight capacity be equally supportive of the State's internal efforts to guarantee all Alabama citizens quality health care services at the lowest possible cost.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 207, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Naramore and Bennett:

H. J. R. 210. COMMENDING MRS. LOTTIE LOWERY AS ALABAMA'S "MOTHER OF THE YEAR."

Also:

By Rep. Naramore:

H. J. R. 211. CONGRATULATING MISS DIEADRE MONIQUE KEY, ALABAMA'S JUNIOR MISS FOR 1980.

Also:

By Reps. Cooley and Bowling:

H. J. R. 215. COMMENDING CULLMAN COUNTY'S FARM—CITY COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolutions, H. J. R.'s 210 and 211, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 215, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sasser, Williams and Barton:

H. J. R. 204. NAMING THE UNIT TRAINING EQUIPMENT SITE NUMBER TWO AT FORT RUCKER, ALABAMA, THE "SALIBA-WARD UNIT TRAINING EQUIPMENT SITE."

WHEREAS, the Legislature of Alabama notes with deep appreciation the honorable service of Alabama guardsmen Thomas S. Saliba and James H. Ward to the State of Alabama and to our nation, both during combat and in time of peace; and

WHEREAS, these two dedicated individuals, both of whom have held the rank of Lieutenant Colonel in the Alabama Army National Guard, and longtime members of the Guard with LTC Ward serving continuously since 1940 and LTC Saliba from 1937 until 1972; and

WHEREAS, it is further to be noted that these officers, Ward and Saliba, each played an initial and instrumental role in the Guard's efforts to obtain training areas at Fort Rucker, Alabama, for use by the Alabama National Guard; as a result of their efforts full time Unit Training Equipment Sites were soon established in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to our state and nation, we hereby name and designate the unit training equipment site number two at Fort Rucker, Alabama, the "Saliba-Ward Unit Training Equipment Site."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said site as the "Saliba-Ward Unit Training Equipment Site."

RESOLVED FURTHER, That copies of this resolution be forwarded to LTC James H. Ward and to LTC Thomas S. Saliba in token of our appreciation and as evidence of this honorary designation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 204, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTIONS IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 474, on page 87 of the Twenty-third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 474, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 116, on page 96 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 116, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 144, on page 96 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate said Bill, H. B. 144, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 265, on page 97 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 265, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Cook offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 471, on page 99 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 471, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 235, on page 63 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 235, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 168, on page 11 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 168, referred to the Standing Committee on Rules for placement on the Consent Calendar.

On motion of Mr. Little, the Rules were suspended and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S.B. 529, on page 119 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 529, referred to the Standing Committee on Rules for placement on the Consent Calendar.

On motion of Mr. Bailey, the Rules were suspended and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S.B. 136, on page 15 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 136, referred to the Standing Committee on Rules for placement on the Consent Calendar.

On motion of Mr. Bailey, the Rules were suspended and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S.B. 137, on page 15 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 137, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Riddick:

H. J. R. 209. WHEREAS the fundamental freedoms of the citizens of Alabama, and their fellow Americans are embodied in the concept of "Private Property Rights—Protect Them." and

WHEREAS in the entire American free enterprise system, this concept is perhaps nowhere more personally meaningful than in the right of every citizen to own real property, and

WHEREAS this cherished legacy, bequeathed to us by virtue of our forefathers' foresight and wisdom, carries a concomitant obligation to preserve the land which our lives depend, and

WHEREAS it is only by sustaining the land and perpetuating our Constitutional rights to it that each of us can continue to enjoy its bounty and ensure the same privileges for the generations that will succeed us, and

WHEREAS the fulfillment of this obligation is consistently demonstrated by the commitment and concern of the Alabama Association of Realtors in assisting Alabama residents who wish to exercise their rights to own real property, and

WHEREAS Realtors nationwide have, since 1956, participated in an annual observance to celebrate the right of Americans to own real property and enjoy the benefits it bestows, and

WHEREAS this observance, called Private Property Week, is a special time set aside each year to remind Americans that we not only have the right to own real property, but an individual responsibility to guard this prerogative from any infringement, personal or political, and

WHEREAS it is the conscientious and persistent vigilance of every citizen of the state of Alabama that will enable us to maintain these satisfactions we derive from the political rights we possess,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, Do hereby commend the observance of April 13 to 19 as Private Property Week and encourage all Alabamians to join with the Alabama Association of Realtors and its 10,000 members throughout Alabama during this meaningful observance and take an active part in appropriate and significant programs of state and civic betterment during this week and throughout the year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 209, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 155. NOTING THE OCCASION OF MR. C. S. GIBSON'S 90TH BIRTHDAY.

WHEREAS, the Legislature of Alabama notes that on May 5, 1980, Mr. Clarence Samuel Gibson of Troy, Pike County, Alabama, will celebrate his 90th birthday; and

WHEREAS, Mr. Gibson was born in 1890 at Spring Hill, Alabama, one of ten children of Richard Lafayette Gibson and Martheny Jane Flowers, and therefore a descendent of several families who were among the earliest settlers of Pike County; and

WHEREAS, Mr. Gibson has been a life-long resident of Pike County and a loyal citizen of Alabama, contributing to the common good through his work as a farmer and his active interest in community affairs and in the Methodist Church; and

WHEREAS, Mr. Gibson was married to Annie Clark (deceased) for twenty-five years, and for the last thirty-eight years has been the husband of Grace Sellers, and is the father or step-father of seven children, grandfather of sixteen, and great-grandfather of thirteen, and is a fervent advocate of the positive value of family ties; and

WHEREAS, Mr. Gibson has been blessed with physical vitality and has maintained an active and productive life up to the present, including caring for his own garden and cattle; and

WHEREAS, Mr. Gibson has witnessed during his lifetime an era of technological and social change unparalleled in the history of our nation and our world, and provides in his person and memory a bridge between past and present; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. C. S. Gibson, his wife Grace, and the members of his family, on his 90th birthday; we thank him for the contribution he has made and is making to Alabama, and wish him many more years of health and happiness.

BE IT FURTHER RESOLVED, That Mr. Gibson receive a copy of this resolution that he may know of our congratulations, warm wishes and esteem.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 199. CREATING THE ELMORE COUNTY FIRE DISTRICT STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Elmore County Fire District Study Commission for the purpose of considering a plan to create fire districts within Elmore County. The Commission shall consider the feasibility of establishing fire districts within said county or other alternatives to providing adequate fire protection to all residents of said county.

BE IT FURTHER RESOLVED, That membership of the Commission shall be composed as follows: One member from each duly organized volunteer fire department in the county, including those fully or partially funded by municipalities; one public member from each county commission district to be appointed by the County Commission; the county forest ranger; and the county civil defense director who shall serve as secretary of the commission. At its first meeting, to be called by the secretary within 30 days of the date of

this act, the Commission shall select a chairman, vice chairman and other officers it may deem necessary from among its members. An original member who is unable to attend a meeting may designate an alternate who may act in that member's place. Members shall serve without pay or expenses.

BE IT FURTHER RESOLVED, That the commission shall report its findings, conclusions and recommendations to the Elmore County governing body and to the Elmore County legislative delegation not later than January 1, 1981, whereupon the commission shall be dissolved unless extended by resolution of the county governing body.

RESOLVED FURTHER, That copies of this resolution shall be sent to each member of the county governing body and to the Elmore County legislative delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H.J.R. 199, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 156. CREATING A SELECT INTERIM COMMITTEE TO STUDY THE MERIT SYSTEM AND TO INVESTIGATE THE CIRCUMVENTION OF THE LAWS RELATING THERETO AND THE WIDESPREAD USE OF CONTRACTUAL EMPLOYEES.

WHEREAS, the Merit System is established to prevent abuses in civil service and cronyism; and

WHEREAS, the Legislature strongly supports the enhancement and environment for civil servants in order to keep competent and dedicated people in the service; and

WHEREAS, the Alabama Legislature is alarmed at the erosion and circumvention of the Merit System laws by the practice of hiring or employing by contract for labor, professional services and consultants; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select interim committee to be composed of three members of the House of Representatives and three members of the Senate, appointed by the presiding officers of the respective bodies. The chairman and vice-chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the state merit system, the laws relating thereto, and particular emphasis shall be placed on investigating the effect of the erosion and circumvention of the merit system by state agencies and departments employing by contract for labor, professional services and consultants. Such factors as efficiency, merit system employees' morale, effect on career employees, relative salaries paid within the system and relative cost of contractual services shall be included in the data, as well as any facet of the state merit system which the members deem pertinent to their study and investigation. The committee shall have subpoena powers and the power to punish for contempt.

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Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1981 Regular Session and each regular session thereafter.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Grimsley, Williams, Carothers, Sasser and Ray:

H. J. R. 202. MOURNING THE DEATH OF MR. MAJOR WATT ESPY, SR., PROMINENT ALABAMA BUSINESSMAN, BANKER AND CIVIC LEADER.

Also:

By Rep. McCorquodale:

H. J. R. 205. COMMENDING AND CONGRATULATING THE GROVE HILL ACADEMY REBELS ON THEIR CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

Also:

By Reps. Smith (C), McKee, Dixon, Daniels, Wyatt, Manley, McMillan, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

H. J. R. 206. COMMENDING GOVERNOR FOB JAMES, MS. CAROLINE S. CAVANAUGH AND THE EMPLOYEES OF THE ALABAMA BUREAU OF PUBLIC AND INFORMATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailey, the Rules were suspended and the Resolution, H. J. R. 202, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Parsons, the Rules were suspended and the Resolution, H. J. R. 205, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 206, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 501. To amend Section 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

By Mr. Harrison:

S. 161. To provide that any person who uses a firearm in the commission or attempted commission of a felonious offense, and who is convicted of such offense, shall be denied eligibility for the "good time" commutation of sentencing as is provided by Sections 14-9-20 through 14-9-25, Code of Alabama 1975, as amended.

By Messrs. Harrison and Taylor:

S. 446. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

By Mr. St. John:

S. 305. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

By Rep. Blake:

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

By Mr. Martin:

S. 456. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

By Rep. Owens:

H. 173. To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts; to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

By Reps. Clark and Campbell:

H. 242. To provide for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees.

By Reps. Clark and Campbell:

H. 243. To amend Section 41-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Substitute):

S. 377. Relating to controlled substances; prohibiting certain transactions in objects intended primarily for use with narcotic drugs and marijuana; providing under what circumstances objects may be deemed to be intended primarily for such use and prescribing penalty for violation.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (With Amendments):

S. 475. To amend Section 25-4-72, Section 25-4-77 and Section 25-4-78 relating to the Alabama Unemployment Compensation Act by increasing the maximum weekly benefit amount from \$90.00 to \$100.00 and the minimum weekly amount from \$15.00 to \$25.00, effective July 6, 1980, and the maximum to \$105.00, effective July 5, 1981, by use of a table; provide for a one week waiting period if the separation was for reasons other than "no work available"; repeals the provision that limits disqualification to the "most recent bona fide employment"; changes the penalty for disqualification involving a voluntary quit or a discharge for misconduct after warning by providing a disqualification for the duration of the unemployment and by cancelling 90% of the benefits; removes most of the non-charging of benefit wages to the employers' experience rating record; changes the penalty for minor misconduct from 2 to 6 weeks and 6 to 10 weeks; changes the penalty for disciplinary suspension from "not to exceed 4 weeks" to "not to exceed 13 weeks"; re-defines suitable work and changes the penalty to a disqualification until the claimant has re-entered employment and earned 10 times his weekly benefit amount; provides that the employer must withhold from a back pay award the amount of unemployment benefits and return this to the state; provides for deducting 1/2 of primary Social Security benefits.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Britnell and Robertson:

S. 253. To provide for the placement of all junior colleges and technical schools under the control and direction of the State Board of Education.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener (with notice and proof):

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

By Rep. Turner (with notice and proof):

H. 730. Relating to Washington County; prohibiting the hunting of unantlered deer.

By Rep. Turner (with notice and proof):

H. 753. To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

By Reps. Roberts and Patton (with notice and proof):

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

By Rep. Johnson (R. G.) (with notice and proof):

H. 834. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 573. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Barron (With Substitute):

S. 531. To provide for the licensure and regulation of any person, partnership, association of corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the general fund of the state with a sufficient amount of such moneys being used in the administration of the act; and to prescribe penalties for violation of the act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holmes (With Amendment):

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Lewis:

H. 665. To provide revenue by levying a privilege tax on cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Amendment):

S. 464. To amend Section 40-18-14 of the Code of Alabama 1975 so as to provide further for the exemption from state income taxes of a certain amount of disability income.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:
n the calendar, towit:

By Mr. Gullledge:

S. 553. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Barron, Weeks, Goodwin, Holmes, Robertson, Harrison, Britnell, Callahan, Little, Martin, Smith, Parsons, Miller, deGraffenried, Glass and Lemaster (With Amendment):

S. 219. To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a)(1)(2)(3) of Section 40-18-19 Code of Alabama 1975.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Smith, McDonald, Harrison, Martin and Lemaster:

S. 370. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize solar energy.

By Messrs. Smith, McDonald, Harrison, Lemaster and Martin:

S. 371. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

By Mr. St. John:

S. 562. To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

By Rep. Sasser, et al:

H. 199. Relating to the eradication and control of swine diseases; to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1981, to indemnify owners of swine for the value of any swine orderd condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Mr. Vacca:

S. 16. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

By Mr. Vacca:

S. 20. To exempt the Our Lady of Angels Monastery, Inc. from the payment of all state, county and municipal sales and use taxes.

By Messrs. Mitchem and Lemaster:

S. 431. To make an appropriation for capital outlay, support and maintenance of the Kate Duncan Smith DAR School at Grant, Alabama.

By Mr. Robertson:

S. 499. To provide twenty-five dollars per month for each retired educator to be used for hospital-medical insurance; to appropriate \$5,040,000 from the Alabama Special Educational Trust Fund; to provide for the system of payment.

By Mr. Robertson:

S. 556. To amend Section 32-6-130 of the Code of Alabama 1975 which relates to disabled veterans' license plates, so as to alter qualifications and provide for the free issuance of said plates.

By Mr. deGraffenried:

S. 5. To exempt the Junior League of Tuscaloosa, Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

By Mr. Keener:

S. 13. To permit a retired state policeman to accept employment within any department or agency of the state government of Alabama without being required to become or remain a member of the state retirement system as a condition of their employment, or be denied retirement benefits otherwise earned as a state policeman during such term of employment in a classified position other than state policeman.

By Mr. Holmes:

S. 114. To amend Section 40-23-4 and Section 40-23-62, Code of Alabama 1975, which provide for certain tax exemptions so as to exempt certain solar energy devices.

By Messrs. Goodwin and McDonald:

S. 353. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975 to be eligible recipients of funds and assistance from the state industrial development authority.

By Messrs. Little and Holmes:

S. 473. To provide for a 30% discount on utility bills for persons 65 years of age or older and for totally disabled and totally blind persons.

By Mr. Callahan:

S. 570. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

By Mr. Mitchem:

S. 551. To amend Section 32-7-4, Code of Alabama 1975, to increase the fee for an abstract of an operating record from \$2.00 to \$3.00.

By Mr. Little:

S. 115. To provide for a guaranteed minimum starting wage or salary for all county, municipal, or political subdivision law enforcement officers of this state; to provide for the enforcement of the provisions of this Act; and to prescribe penalties for any member of a governing body which fails or refuses to comply with the provisions of this Act.

By Mr. Little:

S. 209. Relating to taxation; exempting East Tallapoosa Hospital, a non-profit hospital, from the payment of all state, county and municipal sales and use taxes, gross receipts tax or any like taxes on utility use or service.

By Mr. deGraffenried:

S. 495. To provide for a state income tax check-off designation for the support of nongame wildlife programs in Alabama.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bailey and Teague (By Request):

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. McDonald and Smith:

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

By Mr. McDonald:

S. 399. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

REGULAR SESSION
23rd Day

1075

By Mr. Keener:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

By Mr. Martin:

S. 251. Relating to ad valorem taxes; to provide for a refund of certain payments of taxes under certain conditions for ad valorem taxes paid by a taxpayer who claims an exemption or who is assessed based upon an exemption which results in an overpayment of taxes; and to further provide for the claiming of certain exemptions provided by law.

By Mr. Mitchem:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

LOCAL BILLS ON THIRD READING

The Bill:

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980, and giving this act retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Gulledge	McDonald	Taylor
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—25

Nays:

—0

The Bill:

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor
Barron	Glass	Lemaster	St. John
Britnell	Goodwin	Little	Taylor
Clemon	Hall	McDonald	Teague
Cook	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	St. John
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Harrison	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Clemon	Kirkland	Proctor	White
Cook	Little		

—25

Nays:

—0

The Bill:

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more than the term remaining.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Glass	Miller	Taylor
Britnell	Goodwin	Mitchem	Teague
Callahan	Gulledge	Parsons	Vacca
Clemon	Higginbotham	Pearson	Weeks
Cook	Holmes	Proctor	White
deGraffenried	Little		

—25

Nays:

—0

REGULAR SESSION
23rd Day

1077

The Bill:

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	St. John
Barron	Goodwin	Little	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Mitchem	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland		

—25

Nays:

—0

The Bill:

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	McDonald	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Hall	Mitchem	Vacca
Clemon	Harrison	Pearson	Weeks
deGraffenried	Holmes	Proctor	White
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	McDonald	Smith
Britnell	Hall	Mitchem	Teague
Callahan	Higginbotham	Parsons	Vacca
Clemon	Keener	Pearson	Weeks
Cook	Kirkland		

—25

Nays:

—0

The Bill:

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Little	Robertson	
Barron	Goodwin	McDonald	Taylor	
Britnell	Gulledge	Miller	Teague	
Clemon	Harrison	Mitchem	Weeks	
Cook	Higginbotham	Parsons	White	
Denton	Holmes			—25

Nays: —0

The Bill:

H. 826. To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	McDonald	St. John	
Barron	Gulledge	Miller	Smith	
Callahan	Harrison	Mitchem	Taylor	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clemon	Glass	Hall
Bailey	Cook	Goodwin	Higginbotham
Callahan	Figures	Gulledge	Keener

REGULAR SESSION
23rd Day

1079

Kirkland	Mitchem	St. John	Vacca
Little	Parsons	Taylor	Weeks
Martin	Pearson	Teague	White
Miller	Proctor		
—25			
Nays: —0			

The Bill:

H. 840. To amend Section 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Higginbotham	Parsons
Bailey	Denton	Keener	Pearson
Barron	Figures	Lemaster	Proctor
Britnell	Glass	Little	St. John
Callahan	Goodwin	Martin	Teague
Clemon	Gulledge	Mitchem	White
Cook	Hall		
—25			

Nays: —0

The Bill:

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	Miller	Smith
Barron	Higginbotham	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	Weeks
Glass	Lemaster	Proctor	White
Goodwin	Little		
—25			

Nays: —0

The Bill:

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Gulledge	Martin	St. John	
Britnell	Hall	McDonald	Smith	
Callahan	Harrison	Mitchem	Teague	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Kirkland	Pearson	White	
Denton	Lemaster			—25

Nays:

—0

The Bill:

H. 847. Relating to Margan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Callahan	Higginbotham	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
deGraffenried	Kirkland	Proctor	White	
Figures	Little			—25

Nays:

—0

The Bill:

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Teague	
Clemon	Harrison	Mitchem	Weeks	
deGraffenried	Holmes	Pearson	White	
Figures	Kirkland			—25

Nays:

—0

MOTION IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 400, on page 89 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 400, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Messrs. Holmes and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 157. TO URGE ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION WHICH ARE SUPPORTED BY STATE FUNDS TO CEASE ENROLLING OR REGISTERING ANY IRANIAN STUDENTS AND TO URGE THE COOPERATION OF THE BOARDS OF TRUSTEES AND THE STATE DEPARTMENT OF EDUCATION.

WHEREAS, fifty Americans have been held hostage by a group of militants and in concert with the Iranian government for over five and one-half months, with untold mental and psychological stress and anguish to the captives, their families and friends; and

WHEREAS, all Alabamians and Americans everywhere are outraged, frustrated and appalled at the flagrant disregard for international law and the minimum requirements of humanitarian treatment by the Iranian government; and

WHEREAS, such blatant violations by the Iranian government have jeopardized the peace and security of this country and its citizens, and many other countries; and

WHEREAS, Alabama has many military installations and bases and the presence of foreign agents could result in grave consequences; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all state supported institutions of higher education, including state colleges and universities, trade schools, vocational and trade schools are urged to cease and desist from enrolling and registering any person who is Iranian or who holds a passport from Iran. All boards of trustees, chancellors, presidents, or other governing bodies of such institutions, and the department of education are urged to take all necessary actions forthwith to support the legislative intent herein.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to send copies of this resolution to the chief officer of each state supported institution of higher education and the state department of education.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Gullledge, Bailey, Barron, Britnell, Callahan, Clemon, deGraffenried, Denton, Figures, Glass, Goodwin, Hall, Harrison, Higginbotham, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, White offered the following Senate Joint Resolution, to-wit:

S. J. R. 158. REQUESTING PRESIDENT CARTER AND THE CONGRESS TO ALLOCATE TO EACH OF THE STATE HIGHWAY DEPARTMENTS, AND TO OUR STATES' COUNTIES, FOR MAINTENANCE OF STATE AND LOCAL ROADS, ANY INCREASE OF THE FEDERAL MOTOR FUELS TAX.

WHEREAS, the Office of the President of the United States has been provided with data to show that an increase in the motor fuels tax would aid in energy conservation; and

WHEREAS, an increase in such tax, as deemed necessary and implemented, is for conservation purposes rather than generation of revenues; and

WHEREAS, state highway departments, and those of our states' counties, are unable to maintain their roads in sufficiently good condition to insure the safe and expedient movement of goods and people; and

WHEREAS, neither the United States Congress nor the Federal Highway Administration has implemented an adequate program to aid the states and local governments with road maintenance problems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge that the President of the United States and the Congress designate that the increase in the federal motor fuels tax be allocated to each of the state highway departments, and/or our states' counties, on a formula basis to aid with the maintenance of state and local roads.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to President Carter, to the director of the Federal Highway Administration, the Secretary of the Department of Transportation and to each member of the Alabama Congressional Delegation in Washington, D.C.

On motion of Mr. Gullledge, the Rules were suspended and the Resolution was adopted by the Senate.

CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

was taken up.

On motion of Mr. McDonald, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 505, to-wit:

AMENDMENT TO S. B. 505

On page 1, Section 1, line 35, after the word "appoint", delete the following language:

at least

Which was adopted.

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Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Little	Proctor	
Barron	Harrison	McDonald	Smith	
Britnell	Higginbotham	Miller	Taylor	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Goodwin	Lemaster			—21

Nays: —0

And said Bill, S. B. 505, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Proctor	
Barron	Harrison	Little	Smith	
deGraffenried	Higginbotham	McDonald	Taylor	
Denton	Holmes	Miller	White	
Goodwin	Keener	Mitchem		—18

Nays: —0

The Bill:

S. 399. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

was taken up.

On motion of Mr. McDonald, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 399, to-wit:

AMENDMENT TO S. B. 399

p. 1, Line 34.

After the word provided delete the remainder of the sentence and insert the following, to-wit:

the member shall have attained the minimum qualifications for retirement and shall have filed with the board of control written application setting forth at what time not less than thirty nor more than ninety days subsequent to the execution and filing thereof he desires to be retired.

p. 2, Line 17.

After the word "his," delete the "current annual earnable" and insert in lieu thereof—"average final"

After Section 3 on Page 3 add the following section:

Anything in this act to the contrary notwithstanding a member shall not receive subsequent cost of living increases or any other adjustments in his retirement allowance on account of creditable service purchased under the provisions of this act.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons	
Bailey	Hall	Little	Smith	
Barron	Harrison	Martin	Taylor	
Britnell	Higginbotham	McDonald	Weeks	
deGraffenried	Holmes	Miller	White	
Denton	Keener	Mitchem		—22

Nays: —0

And said Bill, S. B. 399, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas.

Messrs.:	Hall	Lemaster	Mitchem	
Bailey	Harrison	Little	Robertson	
Barron	Higginbotham	Martin	Taylor	
Britnell	Holmes	McDonald	Weeks	
deGraffenried	Keener	Miller	White	—19

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 159. **RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-third legislative day only:

Bill No.	Page No.	Description
H. B. 663	111	Municipalities mayor council form of gov. election dates
S. B. 508	93	Examiners of Public accts. fed money dis.
S. B. 468	76	10th Jud. Circ., add'l judge
S. B. 354	45	Gasohol conservation, tax break
S. B. 31	5	Person may charge same int. rate as banks
S. B. 346	72	Industrial Sites

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S. B. 197	30	Unempl. Comp. Act, am'd certain sect.
H. B. 496	100	Solid Wastes Mun. Inc. of auth to finance fac., bonds
S. B. 360	73	Firemen & Police Officers killed in the line of duty.
S. B. 401	64	Ed., Sup't of alternate rept. for in prog. formula
S. B. 38	6	Setting of examination fees of small loan companies
S. B. 257	47	License Inspectors, appt.
S. B. 480	99	Corp., City Franchise abolished, hiring
S. B. 497	103	Medical Treatment, indigent patients
S. B. 107	126	Prisoners, good time, repeal

On motion of Mr. McDonald, the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Little	Parsons
Barron	Harrison	Martin	Proctor
Britnell	Holmes	McDonald	Taylor
deGraffenried	Keener	Miller	Teague
Denton	Lemaster	Mitchem	Weeks
Gulledge			—20

Nays: —0

The Bill:

S. 251. Relating to ad valorem taxes; to provide for a refund of certain payments of taxes under certain conditions for ad valorem taxes paid by a taxpayer who claims an exemption or who is assessed based upon an exemption which results in an overpayment of taxes; and to further provide for the claiming of certain exemptions provided by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor	
Bailey	Hall	Martin	Robertson	
Barron	Harrison	McDonald	Taylor	
Britnell	Holmes	Miller	White	
deGraffenried	Lemaster	Mitchem		—18

Nays:

—0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 138. HONORING DR. HARRY MELVIN PHILPOTT FOR DISTINGUISHED SERVICE AS PRESIDENT OF AUBURN UNIVERSITY.

Also:

S. J. R. 139. COMMENDING DR. HANLY FUNDERBURK ON HIS SELECTION TO LEAD AUBURN UNIVERSITY AS ITS TWENTIETH PRESIDENT.

Also:

S. J. R. 141. MOURNING THE DEATH OF COMMISSIONER GEORGE T. TAYLOR OF EUFAULA, ALABAMA.

Also:

S. J. R. 142. COMMENDING THE ATHLETIC PROGRAM AND THE OUTSTANDING ATHLETES OF THE ALABAMA SCHOOL FOR THE BLIND.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

LOCAL BILLS
ON THIRD READING RESUMED

The Bill:

H. 117. Relating to Madison County; relating to Section 2 of Act No. 79-794, S. 564 of the 1979 Regular Session (Acts 1979, p. 1451) which provides alternative methods of funding a legislative delegation office and to

reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes, so as to repeal said section 2.

was taken up.

Mr. Smith offered the following substitute for the Bill, H. B. 117, to-wit:

SUBSTITUTE FOR H. B. 117.

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted by Sections 40-28-1 through 40-28-3, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this act.

A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

The first \$40,000 paid, as Madison County's total share, shall be for the purposes of establishing and maintaining a legislative delegation office. All decisions concerning the Madison County Legislative Office, including but not limited to, revenue, income, or expenditures such as for employment, contracts, leases or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative members, each House voting separately. Such resolution may provide an operation procedure for the delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The person employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

B. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

1. Seventy percent (70%) of said remaining money shall be, paid to the City of Huntsville. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the city school system to be paid by the city governing body directly to the school system.

(b) Twenty five percent (25%) to the city general fund.

(c) Ten percent (10%) to the City of Huntsville Hospital Authority, provided, however, that if the revenue produced by this percentage formula should exceed \$525,000 in any fiscal year, said excess revenue shall revert to the general fund of the City of Huntsville. The provisions of this subsection shall expire on September 30, 2003, and thereafter said revenue shall revert to the general fund of the City of Huntsville.

2. Twenty-nine and one-half percent (29 1/2%) of said remaining money shall be paid to Madison County. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the county governing body directly to the school system.

(b) Twenty-eight percent (28%) to the county general fund.

(c) Seven percent (7%) to the City of Huntsville Hospital Authority, provided however, that if the revenue produced by this percentage formula shall exceed \$150,000 in any fiscal year, said excess revenue will revert to the general fund of Madison County.

3. One-half percent (1/2%) of said remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Said payments shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the municipal governing body directly to the school system.

(b) Thirty-five percent (35%) to the municipal general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Figures
Bailey	Callahan	deGraffenried	Glass
Barron	Clemon	Denton	Goodwin

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Harrison	Little	Pearson	Teague	
Higginbotham	McDonald	Proctor	Vacca	
Keener	Mitchem	Smith	White	
Lemaster	Parsons			—25

Nays: —0

Yeas 25; Nays 0.

And said Bill, H. B. 117, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Keener	Pearson	
Bailey	Denton	Lemaster	Proctor	
Barron	Figures	Little	Smith	
Britnell	Glass	McDonald	Teague	
Callahan	Goodwin	Mitchem	Vacca	
Clemon	Harrison	Parsons	White	
Cook	Higginbotham			—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 4.

Yeas:

Messrs.:	Higginbotham	Little	Proctor	
deGraffenried	Holmes	Martin	Robertson	
Goodwin	Keener	McDonald	Taylor	
Gulledge	Lemaster	Mitchem	Weeks	
Harrison				—16

Nays:

Messrs.:	Hall	Smith	Vacca	
Barron				—4

Mr. Mitchem moved that the Senate reconsider the vote by which the Bill, S. B. 466, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

LOCAL BILLS

The Bill:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

was taken up.

Mr. Smith offered the following substitute for the Bill, H. B. 465, to-wit:

SUBSTITUTE FOR H. B. 465

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to give the County Commission certain powers and authority in regard to performing road related services upon private property for a fee and selling road construction materials to churches, persons, firms or corporations; setting the conditions under which such work can be done and road construction materials sold; and establishing the procedure governing work on private property or sales of said materials to churches, individuals, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized and empowered, under the conditions and limitations set forth herein, within Madison County, to go upon private property and perform road related service, (e. g. grading, scraping, packing, paving, tarring, graveling, cherting, etc.), for a fee, for churches, individuals, firms or corporations and to sell road construction materials, (e.g. asphalt, gravel, chert, sand, dirt, tar, etc.), to churches, individuals, firms or corporations.

Section 2. It is the intent of this bill to make available to Madison County citizens the aforementioned service only when such road related services and road building materials are not available to them at a reasonable cost from private enterprise. Upon the enactment of this bill and during the month of January each year thereafter, the Madison County Commission shall examine the availability of work, services and material from private enterprise in the various areas of Madison County and shall determine a cost for providing said road related services and road construction material. The Madison County Commission shall enter upon the minutes the results of such examination, and the pricing cost for the year, with necessary allowances made for price changes during the year. The Madison County Commission shall then promulgate a written policy which will govern the performance by county crews and equipment of said road related services and the sale of such road construction material by the county. The policy shall include; a description of the road related services which will be performed and the road construction materials to be sold; a provision to include private enterprise to service those needs found in its previous examination; and the limitation upon that such road related services will be allowed and road construction materials will be sold, only where such is not presently available at a reasonable cost from private enterprise. The policy shall also include a provision

which will insure that the county shall in no way compete unfairly with the private sector and that such road related services or road construction materials will be made available only to those citizens of Madison County where such road related services or road construction materials is not available from private enterprise at a reasonable cost. Moreover, the policy shall include provisions to insure that no subsidy will be allowed to those individuals, firms or corporations contracting with the county and that all cost, either direct or indirect, shall be borne by those entities contracting with the county. Finally, the policy shall include the provisions of a full accounting to support such requirements and said accounting be subject to public inspection. In promulgating said policy, the Madison County Commission shall hold a public hearing on the matter and solicit, by special invitation, a fair sampling of businesses involved in road related work regarding the fairness of the pricing cost and the policy in general. The written policy and pricing cost adopted by the Madison County Commission shall be published annually in a newspaper of general circulation in Madison County in the type normally used for news stories.

Section 3. In no case may county personnel or equipment be permitted to perform road related services on private property where a present public need exists for said county equipment and personnel. Moreover, the personnel and equipment necessary to perform such work on private property shall not be permitted to do so unless the Madison County Commission is to be properly compensated for said road related services performed and for the road construction materials used or sold. In determining proper compensation for road related services performed and for road construction materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included. All moneys derived from payments to the Madison County Commission for such work or services performed and such materials used or sold shall be expended for those purposes, and no other, set forth in Amendment Number 354 to the Constitution of Alabama of 1901 for moneys derived from the sources set out therein.

Section 4. Before any road related services are performed on private property or road construction material is sold to churches, individuals, firms or corporations, a written contract must be signed by the party for whom the said service is to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for the road related service or road construction material or the rate by which the amount be paid for such work or material will be computed. The road related services performed must be paid for at the time it is completed and any road construction material delivered must be paid for at the time the material is delivered. All such contracts shall be kept on file in the office of the Madison County Commission for a period of not less than four years and such contracts shall be public writings of this State, as such term is used in Code of Alabama of 1975, Section 36-12-40 through 36-12-40. The name of each church, individual, firm or corporation for whom the road related services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Madison County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or road construction material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. The Madison County Commission shall not perform work on private property or sell materials to any church, individual, firm or corporation within any twelve (12) month period in excess of a total amount of One Thousand Dollars (\$1,000.00).

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed but nothing herein contained repeals, amends or modifies in any way the provisions of Code of Alabama of 1975, Section 36-10-8, Section 36-10-14, and Sections 36-25-1 through 36-25-30.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	McDonald	Taylor
Barron	Higginbotham	Mitchem	Teague
Clemon	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Glass	Lemaster		

—25

Nays:

—0

And said Bill, H. B. 465, as thus amended by the substitute, was read a third time at length and passed

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	McDonald	Taylor
Barron	Higginbotham	Mitchem	Teague
Clemon	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Glass	Lemaster		

—25

Nays:

—0

The Bill:

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Barron	Glass	Little	St. John
Britnell	Goodwin	McDonald	Smith
Clemon	Harrison	Mitchem	Taylor
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—25

Nays:

—0

The Bill:

S. 503. Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed of the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Barron	Glass	Little	St. John
Britnell	Goodwin	McDonald	Smith
Clemon	Harrison	Mitchem	Taylor
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—25

Nays:

—0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 250. To prescribe that the name, address, case records, payments and services to any recipient of public assistance or welfare shall be deemed a public record; to require that the Commissioner of Pensions and Security be responsible for making such records available upon the request of any citizen; to require that state department of pensions and security to pay any legal fees and costs for any person who must petition the court to obtain such records; to amend Section 38-2-6 of the Code of Alabama, 1975, so as to remove the confidentiality of such records; and to repeal conflicting laws.

as amended, which said amendments are set out in the Journal of the Senate for the Twenty-Second Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rains, Kelley and Harvey (with notice and proof):

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 801, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Kelley and Rains (with notice and proof):

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshal County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 848, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Owens (with notice and proof):

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 939, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 938, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 940, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 942, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 943, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 941, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 947. Relating to Blount County; further providing for the costs and charges in criminal proceedings in any court of the county and repealing Act No. 406, H. 132, Regular Session 1975 (Acts 1975, p. 1005).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 947, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Greer (with notice and proof):

H. 953. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 953, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 801, 848, 939, 938, 940, 942, 943, 941, 947 and 953. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Boles (with notice and proof):

H. 340. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 340, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Howard and Boles (with notice and proof):

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 390, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sasser (with notice and proof):

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 894, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

REGULAR SESSION
23rd Day

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HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 340 and 390. To the Committee on Local Legislation No. 2

H. B. 894. To the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 250

The Senate proceeded to further consideration of the Bill, S. B. 250, as amended.

And said Bill, S. B. 250, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 5.

Yeas:

Messrs.:	Glass	Little	Taylor
Barron	Hall	Martin	Vacca
Britnell	Higginbotham	Miller	Weeks
Callahan	Holmes	Mitchem	White
Denton	Kirkland	Robertson	—18

Nays:

Messrs.:	Figures	Pearson	Teague
Clemon	Keener		—5

Mr. Robertson moved that the Senate reconsider the vote by which the Bill, S. B. 250, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 154. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 320, AS AMENDED.

On motion of Mr. Weeks, said Resolution was then adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

And said Bill, H. B. 663, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Teague	
Barron	Gulledge	McDonald	Vacca	
Britnell	Hall	Parsons	Weeks	
Denton	Holmes	Smith	White	
Figures	Little	Taylor		—18

Nays: —0

RESOLUTION

Mr. Glass offered the following Senate Resolution, to-wit:

S. R. 160. COMMENDING THE VOLUNTEERS OF THE UNIVERSITY OF SOUTH ALABAMA MEDICAL CENTER-HOSPITAL AND CLINICS.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 508. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Teague
deGraffenried	Higginbotham	Miller	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Proctor	White

—23

Nays: —0

The Bill:

S. 468. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 21; repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson
Bailey	Goodwin	Little	Smith
Barron	Gulledge	Martin	Vacca
Britnell	Hall	McDonald	Weeks
Clemon	Holmes	Miller	White
deGraffenried	Keener	Parsons	

—22

Nays: —0

The Bill:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation of the motor fuel known as "gasohol," as defined herein.

was taken up.

Mr. Holmes offered the following substitute for the Bill, S. B. 354, to-wit:

SUBSTITUTE FOR S. B. 354

A BILL
TO BE ENTITLED
AN ACT

To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the express intent of this legislature to promote the conservation of the state's petroleum resources and to encourage the usage of alternative fuels for motor vehicles in this state. In order to accomplish the intent herein expressed, and to provide an incentive for those individuals who participate in such a conservation effort, there shall be a reduced rate of excise tax on the motor fuel "gasohol" as hereinafter provided.

Section 2. "Gasohol" as used in this Act shall mean a motor fuel containing a minimum of ten percent blend of ethyl alcohol of a purity of at least ninety-nine percent denatured in conformity with one of the approved methods set forth by the U.S. Department of the Treasury, Division of Alcohol, Tobacco and Firearms and derived from agricultural or forest products or other renewable resources.

Section 3. Notwithstanding the other provisions of Chapter 17 of Title 40 of the Code of Alabama 1975, the amount of excise tax on gasohol shall be three cents per gallon less than gasoline. The reduced rate of taxation granted by this section for gasohol shall also apply to gasohol manufactured or distilled in another state, if that state reduces the rate of taxation or exempts from its motor fuel tax gasohol manufactured or distilled within the State of Alabama. For all other purposes other than the amount of excise tax, the term "gasohol" shall be included within the term "gasoline" as defined in Section 10-17-20 of the Code of Alabama 1975.

Section 4. The provisions of this Act are supplemental and shall not be construed to repeal any law not in direct conflict herewith.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective upon the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Callahan offered the following amendment to the substitute for the Bill, S. B. 354, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 354

Amend substitute for S. B. 354, page 2, line 10, Section 3, by striking said Section 3 and in lieu thereof inserting a new Section 3 as follows:

Section 3. Notwithstanding the other provisions of Chapter 17 of Title 40 of the Code of Alabama 1975, domestically produced gasohol manufactured or produced in Alabama shall be exempt from any excise tax imposed by said Chapter and Title. The exemption granted by this section shall also apply to gasohol manufactured or distilled in another state, if that state exempts from its motor fuel tax gasohol manufactured or distilled within the State of Alabama.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

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Yeas 22; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	Little	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Higginbotham	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Goodwin	Lemaster	Proctor		—22

Nays: —0

Abstaining: Mr. deGraffenried. —1

And said Bill, S. B. 354, as thus amended by the substitute, as amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons	
Bailey	Hall	Little	Proctor	
Barron	Higginbotham	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Denton	Keener	Mitchem	Vacca	
Goodwin				—20

Nays: —0

Abstaining: Mr. deGraffenried. —1

RESOLUTION

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 161. CONGRATULATING MRS. BETTY BELUE OF TUSCUMBIA'S DESHLER HIGH SCHOOL.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 31. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

was taken up.

Mr. Keener was granted unanimous consent to take up the Bill:

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union in this state.

in place of the Bill, S. B. 31.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, H. B. 241, to-wit:

COMMITTEE SUBSTITUTE TO H. B. 241

A BILL TO BE ENTITLED AN ACT

To provide that individuals, partnerships, banks, corporations and other legal entities may on any loans or extensions of credit made by them lawfully charge interest or impose finance charges at the maximum effective rate then permitted under state or federal law to be charged by any federal or state chartered or licensed lending institution having its principal place of business in Alabama; to provide that this Act clarifies existing law and is therefore retroactive; and to provide for severability.

Section 1. Individuals, partnerships, banks, corporations and other legal entities may on any loans or extensions of credit made by them lawfully charge interest or impose finance charges at the maximum effective rate then permitted under state or federal law to be charged by any federal or state chartered or licensed lending institution having its principal place of business in Alabama: provided however, that any individual charging or imposing interest or finance charges in excess of that permitted for financial institutions under such other applicable law shall be subject to the same penalties prescribed in such other applicable law or laws for such excessive interest or finance charges.

Section 2. The purpose of this Act is to make clear existing law embodied in Act No. 79-103 of the 1979 Regular Session of the Alabama Legislature, and the provisions hereof shall have retroactive effect to May 14, 1979, when it became law. Any actions taken or contracts made in accordance with the provisions of this Act since said date are hereby ratified, validated and confirmed.

Section 3. The provisions of this Act are severable, and if any part is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Keener, said substitute was laid on the table.

Mr. Keener then offered the following substitute for the Bill, H. B. 241, to-wit:

SUBSTITUTE FOR H. B. 241

A BILL TO BE ENTITLED AN ACT

To permit individuals, partnerships, banks, corporations and other legal entities to charge the same rate of interest or finance charge to the same

extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama, subject to the same penalties as such lending institutions for excessive interest or finance charges; to provide that this Act clarifies existing law and is therefore retroactive, provided, however, that shall be no change of interest rates on secured loans in existence as of the date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Individuals, partnerships, banks, corporations and other legal entities may on any loans or extensions of credit made by them charge or impose the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama; provided however, that any individual or partnership charging or imposing interest of finance charges in excess of that permitted such lending institutions under other applicable law shall be subject to the same penalties prescribed in such other applicable law or laws for such excessive interest or finance charges.

Section 2. The purpose of this Act is to make clear existing law embodied in Act No. 79-103 of the 1979 Regular Session of the Alabama Legislature, and the provisions hereof shall have retroactive effect to May 14, 1979, when it became law, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act. Any actions taken or contracts made in accordance with the provisions of this Act since said date are hereby ratified, validated and confirmed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Vacca
Denton	Keener	Parsons	Weeks
Goodwin	Lemaster	Proctor	White
Gulledge	Little		

—21

Nays:

—0

And said Bill, H. B. 241, as thus amended by the substitute, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Bailey	Harrison	McDonald	Taylor
Barron	Holmes	Miller	Vacca
Denton	Keener	Parsons	Weeks
Goodwin	Little	Proctor	White
Gulledge			

—20

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—0

Mr. Keener moved that the Senate reconsider the vote by which the Bill, H. B. 241, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

On motion of Mr. Keener, further consideration of the Bill, S. B. 31, was postponed temporarily.

The Bill:

S. 346. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

was taken up.

Mr. McDonald offered the following substitute for the Bill, S. B. 346, to-wit:

SUBSTITUTE FOR S. B. 346

A BILL TO BE ENTITLED AN ACT

To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), are hereby amended to read as follows:

"§ 41-10-20. When used in this act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) 'Authority' means the public corporation organized pursuant to the provisions of Title 41, Chapter 10, Article 2, Code of Alabama 1975.

"(2) 'Board of Directors' means the board of directors of the authority.

"(3) 'Bonds' means the bonds issued under the provisions of this act.

"(4) 'Grantee' means a county, municipality or municipal or county industrial development, or governing airport authorities operated by a county and at least one municipality therein jointly organized as a public corporation in the state, to which a grant of money is made as provided in Section 3 41-10-26 hereof.

"(5) 'Industrial sites' means land owned by a grantee or potential grantee on which industrial facilities have been or will be construed for sale or lease to an individual, private association or private corporation.

"(6) 'Nominal transferee' means any person to whom a grantee transfers one or more industrial sites or any part of any industrial site for less than fair market value and any person who derives title to any industrial sites or any part of any industrial site through a nominal transferee.

"(7) 'Person,' unless limited to a natural person by the context in which it is used, includes a private firm, a private association, a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

"(8) 'Preparation of industrial sites' means the grading of industrial sites and means of access thereto, and the draining thereof to prevent the accumulation of excess natural waters thereon.

"(9) 'State' means the State of Alabama.

"(10) 'Herein,' 'hereby,' 'hereunder,' 'hereof,' and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which any of these words is used.

"(11) Nouns and pronouns shall be deemed to include both singular and plural and all applicable genders.

"§ 41-10-27. In addition to all powers heretofore conferred on it by acts heretofore enacted by the legislature of Alabama, and in addition to all other powers conferred on it in this act, the authority is hereby authorized from time to time to sell and issue its bonds, not exceeding three million dollars (\$3,000,000) in aggregate principal amount, for the purpose of making the grants of money authorized in Section 3 41-10-26 hereof, and to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged.

"The authority is hereby authorized to make grants of money derived from the sale of the bonds to counties, municipalities, municipal industrial development boards and county industrial development boards and governing airport authorities operated by a county and at least one municipality therein jointly organized as public corporations in the state for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable industrial sites in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify that labor in terms of skills and educational level; (3) the preparation of industrial sites; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

"Every grant of money made by the authority, any part of which is made from the proceeds of the bonds, shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable by the authority, in any court of competent jurisdiction:

"(a) No grant shall be in an amount greater than the total of the following stated per centums of the costs that it is anticipated will be incurred for the construction and equipment of the facilities that will occupy the industrial site with respect to which the grant is made, as the anticipated costs shall be certified to the authority by a registered architect or a registered engineer or by the chief executive officer of the body to which the grant is made: Six per centum (6%) of the anticipated costs for the construction and equipment of facilities that will occupy the site when the costs are \$100,000

or less; five per centum (5%) of the anticipated costs when the anticipated costs exceed \$100,000 but do not exceed \$200,000, but in no event shall the grant be less than \$6,000; four per centum (4%) of the anticipated costs when the anticipated costs exceed \$200,000 but do not exceed \$400,000, but in no event shall the grant be less than \$10,000; three per centum (3%) of the anticipated costs when the anticipated costs exceed \$400,000 but do not exceed \$800,000, but in no event shall the grant be less than \$16,000; two per centum (2%) of the anticipated costs when the anticipated costs exceed \$800,000 but do not exceed \$1,600,000, but in no event shall the grant be less than \$24,000; one per centum (1%) of the anticipated costs when the anticipated costs exceed \$1,600,000 but do not exceed \$10,000,000, but in no event shall the grant be less than \$32,000; three quarters of one per centum (3/4%) of the anticipated costs when the anticipated costs exceed \$10,000,000 but do not exceed \$20,000,000, but in no event shall the grant be less than \$100,000. In no event shall any grant made pursuant to this section exceed \$150,000.

"(b) No grant or grants shall be made for any part of the anticipated costs of the preparation of an industrial site, and if made shall not be used, in any case where any individual, private association or private corporation has received or is to receive an option to purchase the industrial site with respect to which the grant is made (as distinguished from improvements to be constructed on the site which are not to become a part of the site on which the improvements are to be constructed), or any part of any industrial site, from the grantee or any nominal transferee of the grantee for less than the fair market value of the industrial site. The provisions of this subsection shall not be construed to prohibit any governing airport authority operated by a county and at least one municipality therein jointly from receiving grants for site preparation or plant expansion otherwise authorized by this act.

"(c) The authority shall have power to audit the disbursements by the grantee from any grant or grants.

"(d) The authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Taylor
Bailey	Gulledge	Parsons	Vacca
Barron	Hall	Proctor	Weeks
deGraffenried	Keener	Robertson	White
Denton	McDonald	Smith	

—18

Nays:

—0

And said Bill, S. B. 346, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Taylor
Bailey	Hall	Mitchem	Teague
Barron	Higginbotham	Proctor	Weeks
Cook	Keener	Robertson	White
Denton	Little	Smith	—18

Nays: —0

The Bill:

S. 197. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

was taken up.

Mr. Denton offered the following amendment to the Bill, S. B. 197, to-wit:

AMENDMENT TO S. B. 197

Amend S. B. 197, on page 23, by inserting in line 27, after the word "state" the following:

" , or a federal governmental corporation upon payment of reasonable cost therefor,"

Further amend on line 28, after the word "institution" by inserting the words "or corporation"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith
Bailey	Hall	Little	Taylor
Barron	Harrison	Martin	Teague
Britnell	Higginbotham	McDonald	Weeks
Denton	Keener	Mitchem	—18

Nays: —0

And said Bill, S. B. 197, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Teague	
Bailey	Gulledge	Martin	Vacca	
Barron	Hall	Proctor	Weeks	
Britnell	Harrison	Smith	White	
Denton	Higginbotham	Taylor		—18

Nays: —0

Mr. Taylor moved that the Senate reconsider the vote by which the Bill, S. B. 197, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

Also:

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Also:

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

Also:

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

Also:

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

Also:

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

Also:

H. 826. To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

Also:

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

Also:

H. 840. To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

Also:

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

Also:

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

Also:

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

Also:

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 199. CREATING THE ELMORE COUNTY FIRE DISTRICT STUDY COMMISSION.

Also.

H. J. R. 202. MOURNING THE DEATH OF MR. MAJOR WATT ESPY, SR., PROMINENT ALABAMA BUSINESSMAN, BANKER AND CIVIC LEADER.

Also:

H. J. R. 204. NAMING THE UNIT TRAINING EQUIPMENT SITE NUMBER TWO AT FORT RUCKER, ALABAMA, THE "SALIBA-WARD UNIT TRAINING EQUIPMENT SITE."

Also:

H. J. R. 205. COMMENDING AND CONGRATULATING THE GROVE HILL ACADEMY REBELS ON THEIR CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 206. COMMENDING GOVERNOR FOB JAMES, MS. CAROLINE S. CAVANAUGH AND THE EMPLOYEES OF THE ALABAMA BUREAU OF PUBLIC AND INFORMATION

Also:

H. J. R. 207. Relative to expressing support of the State's Health Planning and Development mechanism and formally requesting that the Department of Health, Education and Welfare be equally supportive of the State's internal efforts and to guarantee all Alabama citizens quality health care services at the lowest possible cost.

Also:

H. J. R. 209. Relative to commending the observance of April 13 to 19 as Private Property Week.

Also:

H. J. R. 210. COMMENDING MRS. LOTTIE LOWERY AS ALABAMA'S "MOTHER OF THE YEAR."

Also:

H. J. R. 211. CONGRATULATING MISS DEADRE MONIQUE KEY, ALABAMA'S JUNIOR MISS FOR 1980.

Also:

H. J. R. 215. COMMENDING CULLMAN COUNTY'S FARM-CITY COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 663. Relating to Class 3 municipalities; providing that any municipalities having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for the authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall

not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 496, to-wit:

COMMITTEE AMENDMENT TO H. B. 496

Amend House Bill No. 496, page 2, line 9 by correcting the spelling of a word as follows:

change "souces" to "sources"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Figures	Higginbotham	Proctor	
Bailey	Goodwin	Holmes	Taylor	
Barron	Gulledge	Lemaster	Vacca	
Callahan	Hall	Little	Weeks	
deGraffenried	Harrison	Martin	White	
Denton				—20

Nays: —0

And said Bill, H. B. 496, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Taylor	
Barron	Gulledge	Little	Teague	
Callahan	Hall	Pearson	Vacca	
deGraffenried	Higginbotham	Proctor	Weeks	
Denton	Holmes	Robertson	White	
				—19

Nays: —0

Mr. Higginbotham moved that the Senate reconsider the vote by which the Bill, H. B. 496, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTIONS

Mr. Proctor offered the following Senate Resolution, to-wit:

S. R. 162. CONGRATULATING MS. MARILYN B. GILES ON HER RECENT CITATION FOR OUTSTANDING SERVICE IN EDUCATION.

Which was adopted.

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 163. COMMENDING JOEY JAMES OF FLORENCE, ALABAMA, GOVERNOR OF THE ALABAMA Y.M.C.A. YOUTH LEGISLATURE.

Which was adopted.

Mr. Harrison offered the following Senate Joint Resolution to-wit:

S. J. R. 164. MOURNING THE DEATH OF MR. JESSE EDWIN MORRIS OF WETUMPKA, PROMINENT ELMORE COUNTIAN.

WHEREAS, the Alabama Legislature has been deeply saddened by the death of Jesse Edwin Morris of Wetumpka on April 10, 1980, at the age of 77; and

WHEREAS, though a native of Talladega County, J.E. Morris, as he was widely known, was a resident of Wetumpka for some 45 years; he previously had been a teacher of vocational agriculture at Montgomery County High School in Ramer; and

WHEREAS, Mr. Morris served 38 years as County Agent, from 1934 to 1971, in Elmore County and was a past president of the Alabama Association of County Agricultural Agents; and

WHEREAS, a member of the First Baptist Church of Wetumpka for 45 years, he served as deacon and in many other areas of church life, and was also a member of the Lions Club and of numerous other civic and community organizations; he played an instrumental role in the organization of the Elmore County Farmers Exchange in the early forties and was a longtime member of the Elmore County Farm Bureau having served many years in various offices and in leadership capacity; and

WHEREAS, a beloved member of his community and one who served with sacrifice for the good of Elmore County and its citizens, Mr. Morris is sorely missed by all those privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. J.E. Morris of Wetumpka; we extend our heartfelt sympathy to his wife, Mrs. Annie Mae Morris, and to their son and two daughters, to whom copies of this resolution shall be sent as evidence of our shared grief in their great loss.

On motion of Mr. Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 360. To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 360, to-wit:

COMMITTEE AMENDMENT TO S. B. 360

Amend Senate Bill 360 on page 1, line 28 by adding after the word "deliberately" the following language:

"or dies as a result of injuries received"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	Smith
Barron	Higginbotham	Mitchem	Taylor
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Goodwin			

—20

Nays:

—0

And said Bill, S. B. 360, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
Goodwin				—20

Nays: —0

Mr. Bailey moved that the Senate reconsider the vote by which the Bill, S. B. 360, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 401. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Barron	Harrison	McDonald	Taylor	
deGraffenried	Holmes	Miller	Vacca	
Denton	Keener	Mitchem	Weeks	
Goodwin	Lemaster	Proctor	White	
Gulledge	Little			—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 571. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment;

By Rep. Owens:

H. 815. To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 815. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J):

H. 161. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 161. To the Committee on Governmental Affairs.

BILLS ON THIRD READING RESUMED

The Bill:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid be licensees to cover expense of examinations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Bailey	Higginbotham	McDonald	Teague	
Barron	Keener	Mitchem	Vacca	
deGraffenried	Kirkland	Parsons	Weeks	
Goodwin	Lemaster	Smith	White	
Gulledge	Little			—21

Nay: Mr. Proctor.

—1

The Bill:

S. 257. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Taylor	
Bailey	Holmes	Mitchem	Teague	
Barron	Keener	Parsons	Vacca	
deGraffenried	Lemaster	Proctor	Weeks	
Goodwin	Little	Robertson	White	
Gulledge	Martin			—21

Nays:

—0

Mr. Lemaster moved that the Senate reconsider the vote by which the Bill, S. B. 257, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 480. To repeal Section 11-43-11 of the Code of Alabama 1975 which section prohibits the employment of a municipal officer by a corporation holding a franchise to use the streets of the city.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Little	Taylor
Barron	Harrison	Martin	Teague
deGraffenried	Holmes	McDonald	Vacca
Denton	Keener	Robertson	Weeks
Goodwin	Kirkland	Smith	White

—19

Nays:

—0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Also:

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 497. To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of '79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 497, to-wit:

COMMITTEE AMENDMENT TO S. B. 497

On page 2, line 20, add the following at the end of the section:

Provided, further, no county shall be required to pay for services at a regional referral hospital for any patient until all third party payors have paid all they are obligated to pay under any contract of insurance or otherwise.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Barron	Harrison	McDonald	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Proctor	Weeks	
Goodwin	Little	Robertson	White	—19

Nays: —0

And said Bill, S. B. 497, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 2.

Yeas:

Messrs.:	Harrison	Little	Taylor	
Barron	Higginbotham	Martin	Teague	
Callahan	Holmes	Mitchem	Vacca	
Denton	Keener	Proctor	Weeks	
Goodwin	Lemaster	Smith	White	—20
Hall				

Nays: Messrs.: deGraffenried, Robertson. —2

Mr. Taylor moved that the Senate reconsider the vote by which the Bill, S. B. 497, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 533. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (M), Starkey, Greer, Goodwin, Holmes, Coburn, Carter, Naramore, Kelley, Roberts, Letson, Patton, Cooley, Harvey, Stout, Pegues, Cosby, Warren, Holley, Cates, Venable, Carothers, Williams, Smith (J), Bennett, Boles, Gilmer, Waggoner, Lewis, Moore, Albright, Hilliard, Owens, Zoghby, Kennedy, Turnham, Grimsley, Whatley, Minus, Hall, Shoemaker, Johnson (R. G.), Mitchell and Horn:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 576. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

H. J. R. 221. REJECTING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Committee created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the legislature of February 7, 1980, and the recommendations contained therein, and hereby rejected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 221, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

On motion of Mr. McDonald, the Rules were suspended and the Bill:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners, § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23 (5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 210, to-wit:

COMMITTEE AMENDMENT TO S. B. 210

In the title on page 1, line 32 after the letters and punctuation "ings;" but before the figures "§11-3-9", insert the following:

§11-3-8, relating to regular meetings of the county commission;

On page 2, line 13, after the figures and punctuation "11-3-7," insert the following:

11-3-8,

On page 3, after line 33 insert the following:

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"§ 11-3-8. Unless otherwise provided by local law, regular meetings of the county commission shall be held on the second Monday in each month of each year; provided, that the provisions of this section shall not apply to any county of this state having a population according to the 1930 federal census of 50,000 or more.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Taylor	
Bailey	Gulledge	Martin	Teague	
Barron	Hall	McDonald	Vacca	
Callahan	Harrison	Mitchem	Weeks	
deGraffenried	Holmes	Proctor	White	
Denton	Lemaster	Smith		—22

Nays: —0

Mr. Proctor offered the following amendment to the Bill, S. B. 210, as amended, to-wit:

AMENDMENT TO S. B. 210, AS AMENDED

Amend Senate Bill No. 210, Page 3, Line 16 and 17, by striking out one thousand dollars after the word then and inserting in lieu thereof the words "thirteen hundred dollars"

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	McDonald	
Bailey	Gulledge	Lemaster	Proctor	
Barron	Hall	Little	Smith	
Callahan	Harrison	Martin	Taylor	
Denton				—16

Nays: —0

On motion of Mr. Teague, further consideration of the Bill, S. B. 210, as amended, was postponed until the next Legislative Day as Unfinished Business.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bedsole:

H. 42. To require that all non resident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 42. To the Committee on Judiciary.

BILLS ON THIRD READING RESUMED

On motion of Mr. McDonald, the Rules were suspended and the Bill:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

was taken up.

The Standing Committee on Business and Labor Relations reported the following amendment to the Bill, S. B. 196, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 196

In section 1, on page 2, amend lines 14 through 16 to read as follows:

"be determined in accordance with rules prescribed by the director; except that effective upon the enactment of this act and for the purposes of reporting and computing the amount of contributions due, back pay awarded as the result of an agreement, arbitration or order of a court"

Further amend S. B. 196 in section 3, page 13, line 31 after the words:

"maximum benefit amount", insert the words:

"and prompt deposit into the fund"

Further amend S. B. 196 on page 15, line 10, by deleting the words:

"Pursuant to an employment contract or agreement", and insert the following in lieu thereof:

"based on previous work of the individual"

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Smith
Barron	Higginbotham	Martin	Taylor
Goodwin	Holmes	McDonald	Teague
Gulledge	Kirkland	Mitchem	Weeks
Hall	Lemaster	Proctor	White

—19

Nays:

—0

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The Standing Committee on Business and Labor Relations then reported the following amendment to the Bill, S. B. 196, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 196

Amend Senate Bill No. 196, on page 13, line 26, by inserting the following after the word "award."

"Notwithstanding the provisions of section 25-4-91" and change "Any" to "any"

Further amend S. B. 196 by deleting Section 4, beginning on page 17, in its entirety; and renumbering subsequent sections accordingly.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Smith
Barron	Higginbotham	Martin	Taylor
Goodwin	Holmes	McDonald	Teague
Gulledge	Kirkland	Proctor	White
Hall	Lemaster	St. John	

—18

Nays: —0

And said Bill, S. B. 196, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Taylor
Barron	Higginbotham	McDonald	Teague
Clemon	Holmes	Pearson	Vacca
Goodwin	Kirkland	St. John	White
Gulledge	Little	Smith	

—18

Nays: —0

Mr. Goodwin moved that the Senate reconsider the vote by which the Bill, S. B. 196, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MOTIONS IN WRITING

Mr. Lemaster offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 266, on page 114 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 266, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Lemaster then offered the following Motion in Writing, to-wit:

I move that the the Bill, H. B. 267, on page 114 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 267, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 107. To repeal any laws expressly or impliedly sanctioning any deductions from penitentiary and hard labor sentences automatically made and without exceptionally good behavior and industriousness by the inmate. was taken up.

MOTION IN WRITING

Mr. Teague offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 412, on page 104 of the Twenty-Third Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the Presiding Officer of the Senate ordered said Bill, H. B. 412, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 29

S. J. R. 96

S. J. R. 114

S. J. R. 115

S. J. R. 116

Delivered to the Governor April 10, 1980, at 3:00 P.M.

S. B. 459

S. B. 487

S. J. R. 109

S. J. R. 128

Delivered to the Governor April 15, 1980, at 6:35 P.M.

S. J. R. 138

S. J. R. 139

S. J. R. 141

S. J. R. 142

Delivered to the Governor April 17, 1980, at 1:45 P.M.

S. B. 242

S. B. 329

Delivered to the Governor April 17, 1980, at 4:40 P.M.

McDOWELL LEE,
Secretary.

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SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. St. John, accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 210 and 107, the Senate adjourned until Tuesday, April 22, 1980, at 11 o'clock A.M.

TWENTY-FOURTH LEGISLATIVE DAY

TUESDAY, APRIL 22, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Mahlon S. Felkins, First United Methodist Church, Childersburg, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Third Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Teague:

S. 590. To amend Section 1 of Act No. 587, S. 659, Regular Session 1978 (Acts of Alabama 1978, p. 691) making an appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for the

Deaf and Blind for capital outlay purposes so as to provide that certain funds may be transferred to the general fund of the Alabama Institute for the Deaf and Blind and may be expended for purposes other than capital outlay purposes.

Committee on Finance and Taxation.

By Mr. Glass (with notice and proof):

S. 591. To amend further Act No. 470, H. 952 of the regular session of 1939, approved September 15th, 1939, (local acts, 1939, page 298), and amended by Act No. 684 Regular Session of 1976 which creates and establishes the County-wide Civil Service System in Mobile County, so as to provide for an expense allowance and compensation for the members of the Personnel Board, and to provide for equal promotional opportunity for entry level unskilled laborers who have been employed in a jurisdiction for a minimum of six (6) months.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 591, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Smith and McDonald:

S. 592. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and providing for voting requirements for adoption or amendment of any plan, quorums, approval of subdivisions, and the passage of any question before the commission, other than the adoption or amendment of any plan where such alternate structure has been adopted.

Committee on Governmental Affairs.

By Mr. Callahan (with notice and proof):

S. 593. Relating to Law Enforcement of Mobile County, fixing the fee for the issuance of pistol permits; specifically, amending Section 1 of Act No. 474, S. 259, Regular Session 1969 (Acts 1969, p. 930).

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 593, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Lemaster (with notice and proof):

S. 594. Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 594, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Lemaster (with notice and proof):

S. 595. Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 595, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 596. To provide for supplementing the retirement compensation paid to retired District Judges in judicial districts composed of one county and having not less than four District Judges and to provide for a contribution by such judges toward the cost thereof.

Committee on Finance and Taxation.

By Messrs. Proctor, Kenner and Holmes:

S. 597. To make an appropriation to the State Highway Department and the Medical Services Administration for medicaid purposes from certain state funds accumulated as the result of certain cost saving and revenue collecting measures by the executive branch of government.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Buskey, Clark (W), Harper (T), Sandusky, Parker, Zoghby, Turner, Penry, Bedsole and McMillan:

H. J. R. 220. COMMENDING MR. GEORGE D. JUZANG, MANAGER OF THE MOBILE MUNICIPAL AUDITORIUM COMPLEX.

Also:

By Reps. Harper (T), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 222. COMMENDING JOSEPH T. CALLAWAY AND MARY LIB CALLAWAY FOR DONATING A FORTY FOOT YACHT TRAWLER TO THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 220, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 222, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to request the Senate to return to the House for further consideration House Joint Resolution 221, since it failed to pass in accordance to Rule 5 of the House Rules:

H. J. R. 221. REJECTING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate acceded to the request of the House for the return to the House of the Resolution, H. J. R. 221, the title of which is set out in the foregoing Message from the House, and the Secretary was directed to remove the Resolution from the Standing Committee on Rules and return same to the House.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 9. OPPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, ON ABORTIONS.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 9, to-wit:

COMMITTEE SUBSTITUTE FOR S. J. R. 9

S. J. R. 9. REQUESTING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES FOR RATIFICATION BY THE STATES TO PROVIDE PROTECTION OF THE RIGHT TO LIFE OF ALL UNBORN CHILDREN.

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973; and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama, 1980 Regular Session, requests the Congress of the United States to propose an amendment to the Constitution of the United States, for ratification by the States that would protect the lives of all unborn children at every stage of their biological development and providing that neither the United States nor any state shall deprive any human being, from the moment of fertilization, of the right to life without due process of law, nor shall any state deny any human being, from the moment of fertilization, the equal protection of the laws, except where pregnancy results from rape or from incest; or where abortion is necessary to save the life of the mother; or where testing revealed abnormality or deformity of the fetus.

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to transmit certified copies of this Resolution to each member of the Alabama Congressional Delegation, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and the President of the United States.

On motion of Mr. Callahan, said substitute was laid on the table.

Yeas 24; Nays 8.

Yeas:

Messrs.:	Denton	Kirkland	Parsons
Bailey	Glass	Lemaster	Proctor
Barron	Gulledge	Little	Robertson
Britnell	Harrison	Martin	St. John
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	White
deGraffenried			

—24

Nays:

Messrs.:	Goodwin	McDonald	Smith
Clemon	Hall	Pearson	Teague
Figures			

—8

Mr. Little offered the following substitute for the Resolution, S. J. R. 9, to-wit:

SUBSTITUTE FOR S. J. R. 9

S. J. R. 9. REQUESTING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES FOR RATIFICATION BY THE STATES TO PROVIDE PROTECTION OF THE RIGHT TO LIFE OF UNBORN CHILDREN AND PETITIONING THE CONGRESS TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING SUCH AN AMENDMENT.

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973; and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama, 1980 Regular Session, requests the Congress of the United States to propose an amendment to the Constitution of the United States, for ratification by the states, that would protect the lives of all unborn children at every stage of their biological development and providing that neither the United States nor any state shall deprive any human being, from the moment of fertilization, of the right to life without due process of law, nor shall any state deny any human being, from the moment of fertilization, the equal protection of the laws, except where pregnancy results from rape or from incest; or where abortion is necessary to save the life of the mother; or where testing reveals abnormality or deformity of the fetus.

BE IT FURTHER RESOLVED, That, alternatively, the Alabama Legislature makes application and requests that Congress call a Constitutional Convention, pursuant to Article V of the United States Constitution, for the purpose of proposing such a "human life" amendment to the United States Constitution.

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to transmit certified copies of this resolution to each member of the Alabama Congressional Delegation, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and the President of the United States.

On motion of Mr. Callahan, said substitute was laid on the table.

Yeas 18; Nays 11.

Yeas:

Messrs.:	Denton	Lemaster	St. John
Barron	Glass	Martin	Taylor
Britnell	Goodwin	Miller	Vacca
Callahan	Gulledge	Mitchem	White
Cook	Harrison	Robertson	

—18

Nays:

Messrs.:	Hall	Little	Smith
Clemon	Higginbotham	McDonald	Teague
Figures	Holmes	Pearson	Weeks

—11

Mr. Callahan then offered the following amendment to the Resolution, S. J. R. 9, to-wit:

AMENDMENT TO S. J. R. 9

Amend Senate Joint Resolution No. 9 Page 1 Line 18, by striking out after the word "Alabama," the figure or date "1979" and inserting in lieu thereof the figure or date "1980".

Which was adopted.

Mr. Little offered the following amendment to the Resolution, S. J. R. 9, as amended, to-wit:

AMENDMENT TO S. J. R. 9

Amend Senate Joint Resolution 9, page 1, line 23, by striking the period “.” and inserting the following:

“and providing that neither the United States nor any state shall deprive any human being, from the moment of fertilization, of the right to life without due process of law, nor shall any state deny any human being, from the moment of fertilization, the equal protection of the laws, except where pregnancy results from rape or from incest; or where abortion is necessary to save the life of the mother; or where testing revealed abnormality or deformity of the fetus.”

And furthermore on line 18 and line 35 change the year “1979” to 1980.

Mr. Callahan moved that said amendment be laid on the table, which motion was lost.

Yeas 16; Nays 17.

Yeas:

Messrs.:	Cook	Harrison	Robertson	
Bailey	Denton	Keener	St. John	
Barron	Glass	Miller	Taylor	
Britnell	Gulledge	Mitchem	Vacca	
Callahan				—16

Nays:

Messrs.:	Hall	Martin	Smith	
Clemon	Higginbotham	McDonald	Teague	
deGraffenried	Holmes	Parsons	Weeks	
Figures	Kirkland	Pearson	White	
Goodwin	Little			—17

The question was then on the amendment offered by Mr. Little, which resulted in a tie vote.

Yeas 17; Nays 17.

Yeas:

Messrs.:	Hall	Martin	Smith	
Clemon	Higginbotham	McDonald	Teague	
deGraffenried	Holmes	Parsons	Weeks	
Figures	Kirkland	Pearson	White	
Goodwin	Little			—17

Nays:

Messrs.:	Cook	Keener	Robertson	
Bailey	Denton	Lemaster	St. John	
Barron	Glass	Miller	Taylor	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Harrison			—17

The President and Presiding Officer of the Senate voted "Aye", therefore, said amendment was then adopted by the Senate.

Mr. Callahan moved that further consideration of the Resolution, S. J. R. 9, as amended, be postponed temporarily.

On motion of Mr. Little, the motion to postpone was laid on the table.

And on motion of Mr. Little, said Resolution, S. J. R. 9, as amended, was adopted by the Senate.

Mr. Teague moved that the Senate reconsider the vote by which the Resolution, S. J. R. 9, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

POINT OF PERSONAL PRIVILEGE

Mr. Bailey requested and received unanimous consent that the Journal show that, had he been present when the Little substitute for the Resolution, S. J. R. 9, was tabled, he would have voted "Aye" to table.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Gafford:

H. 9. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

By Mr. Callahan:

S. 382. To amend Section 18-1-17 of the Code of Alabama 1975 relating to assessment of damages and compensation in certain eminent domain proceedings so as to prescribe procedure for assessing damages and awarding compensation on properties that have been damaged by certain natural disasters.

By Mr. Barron:

S. 418. To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

The above Bill was read a second time at length as required by the Constitution.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 489. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of

the policies or contracts, shall include reimbursement for services rendered by a duly qualified psychologist of this State notwithstanding any provisions of the policies or contracts to the contrary.

By Mr. deGraffenried:

S. 517. To authorize and prescribe the organization of legal expense insurance corporations.

By Rep. Gafford:

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor (with notice and proof):

S. 550. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Coosa County; to provide that witnesses may be subpoenaed by the United States mail in the county under certain conditions.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (with notice and proof) (With Amendment):

S. 557. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John (with notice and proof):

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

By Mr. St. John (with notice and proof):

S. 565. Relating to Cullman County: to amend Act No. 896, Regular Session, 1978. To further provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes so as to provide for funds for schools.

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By Mr. St. John (with notice and proof):

S. 566. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with Notice and proof) (With Amendment):

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Sasser Grimsley and Ray (with notice and proof):

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

By Rep. Shavers (with notice and proof):

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

By Reps. Brakefield and Bowling (with notice and proof):

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

By Reps. Sasser, Ray, Grimsley and Whatley (with notice and proof):

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

By Rep. Gilmer (with notice and proof):

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

By Rep. Gilmer (with notice and proof):

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

By Rep. Cobb (with notice and proof):

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

By Rep. Owens (with notice and proof):

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

By Rep. Owens (with notice and proof):

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

By Rep. Owens (with notice and proof):

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

By Rep. Owens (with notice and proof):

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

By Rep. Owens (with notice and proof):

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

By Rep. Owens (with notice and proof):

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 515. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (with notice and proof):

S. 331. To amend Act No. 210 of the Regular Session of the Legislature of Alabama 1975 (Alabama Acts 1975, Pages 482 and 483) authorizing the governing body of any county of this state having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county five (5) administrative assistants to the said governing body to serve at the pleasure of the governing body.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to wit:

By Mr. Hall (with notice and proof) (With Amendment):

S. 409. Relating to Jefferson County; to provide for the membership of any personnel board established for the supervision and administration of any county-wide civil service system for the county.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons (with notice and proof):

S. 433. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

By Messrs. Parsons, Vacca, White, Clemon, Proctor, Hall, Pearson, and Cook (with notice and proof):

S. 486. Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain forms be made available in the office of the judge of probate for the use of all persons and parties in interest; prescribing that upon request clerks in the said office shall give assistance in completing such forms; and repealing any law in conflict with the provisions of this Act.

By Mr. Vacca (with notice and proof):

S. 567. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide the conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option; and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

By Mr. Parsons (with notice and proof):

S. 588. To amend Act No. 2271 of the 1971 Regular Session as amended by Act No. 121 of the 1971 Third Special Session of the Legislature of the State of Alabama applying to any counties having a population greater than 600,000 according to the most recent or any subsequent federal decennial census and to all municipalities therein, in order to provide alternative organizations, immunities, powers and procedures to facilitate preservation of the historic and/or architectural character of important places and significant areas and their environs and to conserve older distinctive neighborhoods or portions thereof, by reconstituting any existing historic development commission as a joint historical commission, by abolishing any architectural review boards and providing for their replacement by design review boards appointed by the county and municipal governing bodies of such counties, by prescribing the authority to be exercised by the above commissions, boards and governing bodies in promoting consistent preservation policies and programs and other efforts necessary to accomplish the purposes of this Act, including among other things the adoption and administration of landmarks, historic districts and conservation districts.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 559. To allow any licensed barber of this state to elect to be licensed by the Alabama board of cosmetology under the provisions of Title 34, Chapter 7 of the Code of Alabama 1975, and thereafter to be subject to all the rules and regulations promulgated thereunder.

By Mr. White:

S. 587. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute):

S. 335. To provide for the exemption from the estate in bankruptcy proceedings.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. Goodwin, Keener and Weeks (With Substitute):

S. 51. To amend section 36-26-36 of the Code of Alabama 1975 relating to partial payment for accrued sick leave at time of retirement so as to provide further for such payment.

By Mr. Goodwin:

S. 173. To amend section 2-5-4 of the Code of Alabama 1975 relating to the administrator of the farmers' market authority, so as to provide that his salary shall be set by the authority.

By Mr. Smith (With Substitute):

S. 286. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development and management of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Board's funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

By Mr. Goodwin:

S. 484. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

By Mr. Proctor:

S. 229. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

By Rep. Sasser:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recom-piled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

By Rep. Lewis, et al:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

By Messrs. Mitchem, Little, Denton, Britnell, Parsons, Keener, Holmes, deGraffenried, Proctor, Teague, Miller, Bailey, Martin, Gulledge, Hall, Harrison, Robertson and Kirkland:

S. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 136. CONGRATULATING MR. AND MRS. HENRY VIRGIL DENNIS ON THEIR FORTIETH WEDDING ANNIVERSARY.

Also:

S. J. R. 140. REQUESTING THAT THE COMMISSIONER OF AGRICULTURE AND INDUSTRIES WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE AND INDUSTRIES PROMULGATE RULES AND REGULATIONS REQUIRING RETAIL SELLERS OF GASOLINE THAT DISPENSE SUCH FUELS BY LITER, TO ALSO POST ON THEIR PUMPS THE PRICE OF SAID FUEL BY THE GALLON.

Also:

S. J. R. 150. MOURNING THE DEATH OF MRS. ANNIE DELAY TAYLOR.

Also:

S. J. R. 151. COMMENDING STATE ORATORICAL CHAMPION, THOMAS BUNDENTHAL OF SELMA, ALABAMA.

Also:

S. J. R. 152. COMMENDING HAL BLOOM, JR., EXECUTIVE ASSISTANT TO SPEAKER JOE C. McCORQUODALE.

Also:

S. J. R. 155. NOTING THE OCCASION OF MR. C. S. GIBSON'S 90TH BIRTHDAY.

Also:

S. J. R. 164. MOURNING THE DEATH OF MR. JESSE EDWIN MORRIS OF WETUMPKA, PROMINENT ELMORE COUNTIAN.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Messrs. Martin and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 165. MOURNING THE DEATH OF WILLIAM KELLY LITTRELL OF HARTSELLE, ALABAMA.

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WHEREAS, the Alabama Legislature has been deeply shocked and saddened by the tragic death of William Kelly Littrell, Jr., on April 14, 1980, at the age of just 17 years; and

WHEREAS, young Kelly Littrell, who was a senior and an outstanding athlete at Hartselle High School, died as the result of an automobile accident which occurred as he was enroute to the First Methodist Church of Hartselle to be recognized during "Senior Appreciation Day" ceremonies at his church; and

WHEREAS, deeply involved and committed to athletics, Kelly was a member of his school's varsity football team, leading the state's 3A schools in interceptions in his senior season as a safety, as well as leading his team in pass receptions; he also played basketball for the Tigers, as a forward, excelling on the court as well as on the gridiron; and

WHEREAS, beloved of family and friends, Kelly Littrell was a fine young man with outstanding potential for future success and had been awarded a football scholarship with the University of North Alabama; and

WHEREAS, his football jersey and helmet, and Kelly's number 86, have been retired by his fellow students, all of whom have been sorely grieved by the loss of a close friend who endeared himself to all whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Kelly Littrell, Jr., and extend our most heartfelt sympathy to his family who, even in their grief, are grateful for the gift of Kelly's life.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his parents, Mr. and Mrs. Bill Littrell, and to his grandmothers, Mrs. Thelma Ward and Mrs. Jo Littrell, that they, Kelly's sister and brothers, and other family members may know of our shared sorrow in their great loss.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. St. John, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 166. EXTENDING A WARM WELCOME TO A NATIVE SON, HONORABLE WAYNE MIXSON, LIEUTENANT GOVERNOR OF FLORIDA.

WHEREAS, April 29 is being declared "Wayne Mixson Day" in the State of Alabama, in honor of a distinguished native son; and

WHEREAS, The Honorable Wayne Mixson, Lieutenant Governor of the State of Florida, is a native of New Brockton, Alabama, and lived there through his high school years; and

WHEREAS, Lieutenant Governor Mixson, a cattleman and farmer, is descended from a line of distinguished Alabamians: his great-grandfather, Gappa T. Yelverton, and his great-uncle, John B. Simmons, served in the Alabama House of Representatives; Mr. Simmons was also the founder of the City of Elba; and

WHEREAS, he has brought honor to his native state through his distinguished career and his many outstanding achievements; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do heartily endorse the proclamation of April 29 as "Wayne Mixson Day", in honor of the Lieutenant Governor of Florida, and extend to him our profound congratulations on this well-deserved honor.

BE IT FURTHER RESOLVED That a copy of this Resolution be presented to Lieutenant Governor Mixson.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 225. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS CREATED BY ACT NO. 79-76, H. J. R. 61, OF THE 1979 REGULAR SESSION.

WHEREAS, there is further need to study salaries, fringe benefits, social security benefits, retirement benefits, insurance, supernumerary status and related matters of employees of both public and private enterprise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committee to study salaries and related matters created by Act No. 79-76, H. J. R. 61 of the 1979 Regular Session is hereby extended for a period of one year.

Said committee shall continue to have the same powers, duties, functions rights and privileges, and shall report their findings and recommendations to the legislature by the fifth legislative day of the 1981 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 225, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 167. COMMENDING MRS. CHARLA ADKISON, OUTSTANDING SCIENCE TEACHER OF THE YEAR.

WHEREAS, in pleased concurrence, the Alabama Legislature has noted the recent selection of Mrs. Charla Adkison as the Alabama Outstanding Science Teacher of the Year by the Alabama Junior Academy of Science; and

WHEREAS, Mrs. Adkison, Sponsor of the Kinston High School Chapter of AJAS, is a science teacher at Kinston whose students were accorded numerous of the top awards at the South Region Science Fair which was held in Troy in March 1980; and

WHEREAS, Kinston School had 19 major winners, including the first and second place overall winners in the entire science fair, the latter two to represent the South Region at the International Science and Engineering Fair, May 5-10, 1980, in St. Paul, Minnesota; and

WHEREAS, it is to be further noted that Mrs. Adkison's students took top awards in the recent Regional Scientific Paper Reading competition, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Charla Adkison as the Alabama Outstanding Science Teacher of the Year and voice our deep appreciation for her dedication to the education of our state's young scientists, who have so greatly excelled in competition.

BE IT FURTHER RESOLVED, That Mrs. Adkison receive a copy of this resolution, tendered in warm praise and as evidence of our regard.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. White offered the following Senate Resolution, to-wit:

S. R. 168. COMMENDING STEPHEN M. WEGENT, ACCOMPLISHED MUSICIAN OF WOODLAWN HIGH SCHOOL, BIRMINGHAM, ALABAMA.

Which was adopted.

MOTION IN WRITING

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 172, on page 77 of the Twenty-Fourth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 172, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 459 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 22nd day of April, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 459 without my signature and approval and with the following suggested Executive Amendment.

Following Section 2 on line 26, add a new Section 3 as follows:

"Section 3. All salaries provided for in this Act shall be paid from county funds, and no state funds shall be expended for the purposes set forth in this Act."

Renumber the remaining sections accordingly.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Teague, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	Martin	St. John
Barron	Glass	Miller	Smith
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Pearson	White
Cook	Kirkland		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 459, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Figures	Martin	St. John
Barron	Glass	Miller	Smith
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Pearson	White
Cook	Kirkland		

—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Smith (J), Hall, and Smith (M).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 465, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	Smith
Barron	Goodwin	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Clemon	Harrison	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Smith, McDonald and Lemaster.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Michael Callahan, Mr. Ken L. Lott, Mr. Clyde Foster and Mr. Bob Word to the Commission on Higher Education.

On motion of Mr. McDonald, the appointment of Mrs. Callahan was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Robertson	
Barron	Higginbotham	Mitchem	Smith	
Britnell	Lemaster	Parsons	Taylor	
Clemon	Little	Pearson	Teague	
deGraffenried	McDonald	Proctor	White	
Goodwin				—20

Nays. —0

On motion of Mr. McDonald, the appointment of Mr. Lott was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Robertson	
Barron	Higginbotham	Mitchem	Smith	
Britnell	Lemaster	Parsons	Taylor	
Clemon	Little	Pearson	Teague	
deGraffenried	McDonald	Proctor	White	
Goodwin				—20

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Foster was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Robertson	
Barron	Higginbotham	Mitchem	Smith	
Britnell	Lemaster	Parsons	Taylor	
Clemon	Little	Pearson	Teague	
deGraffenried	McDonald	Proctor	White	
Goodwin				—20

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Word was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Robertson
Barron	Higginbotham	Mitchem	Smith
Britnell	Lemaster	Parsons	Taylor
Clemon	Little	Pearson	Teague
deGraffenried	McDonald	Proctor	White
Goodwin			—20

Nays: —0

RESOLUTION

Mr. Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 169. COMMENDING MISS DONNA BARROW FOR BEING CHOSEN 1980 ALABAMA TEXTILE QUEEN.

WHEREAS, Miss Donna Barrow of Montgomery, Alabama, the daughter of Reverend and Mrs. Gilbert Barrow, was recently crowned as the Alabama Textile Queen during the annual pageant held in Montgomery; and

WHEREAS, the beautiful, poised, personable and articulate Miss Barrow travels throughout the Southeast representing the largest industrial employer in Alabama; and

WHEREAS, the talented Miss Barrow, a junior at Samford University, majoring in business, has won numerous honors and titles; and while attending Robert E. Lee High School, her honors included being a Student Council Representative, Tri-Hi-Y Treasurer, a Representative to the Youth Legislature, Man of the Year Committee, Anchor Club, Psychology Club, President of the Church Youth Council, Homecoming Queen nominee, and accompanist for the Chorales; and

WHEREAS, at Samford University, Donna has served on the Yearbook Staff, is a member of the American Home Economics Association, Association of Business Majors, Baptist Student Union, Campus Ministries, Alpha Delta Pi Sorority, and received the 1979 Outstanding Scholarship Pledge Class Award, and among her other accomplishments she is an experienced model as well as a talented pianist and speaker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Miss Donna Barrow for being selected the 1980 Alabama Textile Queen and wish this lovely, talented young lady from Montgomery, the best in all of her future endeavors.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and

custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Goodwin	Pearson	Vacca	
Callahan	Hall	Proctor	Weeks	
Clemon	Keener	St. John	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 730. Relating to Washington County; prohibiting the hunting of unantlered deer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	Miller	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 753. To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

Nays: —0

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The Bill:

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	St. John
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

Nays:

—0

The Bill:

H. 834. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Martin	Taylor
Barron	Glass	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Proctor	White
Cook	Kirkland		

—25

Nays:

—0

CONSENT CALENDAR

The Bill:

S. 51. To amend section 36-26-36 of the Code of Alabama 1975 relating to partial payment for accrued sick leave at time of retirement so as to provide further for such payment.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 51, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 51

A BILL TO BE ENTITLED AN ACT

To amend section 36-26-36 of the Code of Alabama 1975 relating to partial payment for accrued sick leave at time of retirement so as to provide further for such payment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-26-36 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 36-26-36. Each state merit system employee shall upon retirement be entitled to receive payment of 50 percent of his accrued and unused sick leave at the time of his retirement, and all such payments shall be made at the same rate as his regular pay. For the purpose of this section the word 'retirement' shall mean an employee who leaves state service and is eligible to receive either state retirement system benefits or social security benefits."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Bailey	Higginbotham	McDonald	Taylor
Barron	Keener	Mitchem	Teague
Goodwin	Lemaster	Parsons	Weeks
Gulledge	Little	Pearson	White

—19

Nays:

—0

And said Bill, S. B. 51, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons
Barron	Hall	Little	Teague
Britnell	Harrison	Martin	Weeks
Callahan	Higginbotham	McDonald	White
Goodwin	Keener	Mitchem	

—18

Nays:

—0

The Bill:

S. 173. To amend section 2-5-4 of the Code of Alabama 1975 relating to the administrator of the farmers' market authority, so as to provide that his salary shall be set by the authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Higginbotham	Martin	Robertson
Barron	Holmes	McDonald	Teague
Britnell	Keener	Mitchem	Weeks
Callahan	Kirkland	Parsons	White
Goodwin	Little	Pearson	—18

Nay: Mr. Hall —1

The Bill:

S. 484. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Higginbotham	McDonald	Teague
Callahan	Holmes	Miller	Weeks
deGraffenried	Keener	St. John	White
Goodwin			—20

Nays: —0

The Bill:

S. 286. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development and management of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to

provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Board's funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 286, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 286

A BILL TO BE ENTITLED AN ACT

To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development, management and efficient use of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to **formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Boards' funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.**

Be It Enacted by the Legislature of Alabama:

Section 1. Title.

This act shall be known and may be cited as the "Alabama Energy Management and Conservation Act of 1980".

Section 2. Legislative Intent.

The legislature finds that the development, management and efficient use of energy resources and the conservation of energy is of prime importance in an era of rising costs, foreign dependence, and uncertain supplies. At the same time it is also important to protect the economic, social and environmental values of the citizens of the state. Such responsibilities require a comprehensive, coordinated capacity on the part of the state to respond to the needs and demands of her citizens. It is therefore the intent of the legislature:

(a) to ensure the wise development and efficient use of traditional energy sources;

(b) to encourage and assist the development, the use of renewable energy resources, demonstration, and placement in the marketplace of viable, alternative energy sources, more efficient uses of energy sources and other appropriate technology;

(c) to encourage the conservation and efficient use of all energy resources and to provide a governmental environment which will encourage and promote private investment and initiative in the development of new energy resources and more efficient use of all energy resources;

(d) to provide information to the public relating to energy saving uses, designs, and construction methods and techniques for all new and existing buildings;

(e) to increase the ability of state government to respond in an efficient, comprehensive, and coordinated manner to energy problems which may arise; and

(f) to assure, as far as practicable, an energy supply adequate to protect the economic, social, and environmental values the state's citizens now enjoy and to provide for sufficient economic growth to meet the future needs of the state;

(g) to promote the identification and demonstration of specifically designed energy management technologies;

(h) to disseminate information about such technologies; and

(i) promote the acceptance and adoption of such technologies by all energy-consuming sectors of the state's economy.

Section 3. Departmental Organization.

(1) There is hereby created and established the Alabama Department of Energy. For the purposes of this act, the term "department" or "ADE" means the "Alabama Department of Energy".

(2) The programs and activities of the department shall be administered by a director with the assistance of such other officers, agents and employees as are necessary to carry out the functions of the agency. The director shall propose priorities and funding required to ensure that the programs and activities as provided in this act are effectively and efficiently carried out and that the intent of the legislature is fully implemented. The director shall organize and employ the staff of the department.

(3) The director of the department shall be appointed by, and serve at the pleasure of the Governor. The pay of the director shall be set by the Governor without regard to any other limitation set by law. Division chiefs shall be appointed by, and serve at the pleasure of, the director. The director shall be exempt from the Merit System Act, and the division chiefs shall serve as unclassified personnel under the Merit System Act. All shall be members of the State of Alabama retirement system. All other employees of the department shall be classified personnel and shall be members of the state merit system.

Section 4. Departmental Functions.

The programs and activities of the department shall include, but are not limited to, the following:

- (1) to develop and promulgate a state energy policy;
- (2) to report regularly to the Governor and annually to the legislature on the programs and activities of the department and to recommend needed changes in law or administrative practice;
- (3) to periodically assess state energy requirements, and to coordinate with the State Geologists, the State Oil and Gas Board, and other parties and with appropriate governmental agencies in their determination of available energy supplies and their capacities and their development;
- (4) to formulate and update annually a comprehensive state energy management program which shall identify alternative ways in which projected demands for all forms of energy may be met;
- (5) to formulate and update annually a contingency plan to provide for adequate energy supplies during any energy shortages which may occur;
- (6) to monitor existing programs relating to curtailment, allocation, conservation, planning, regulation, and management of all forms of energy and energy sources; and to administer all other programs that are not otherwise provided by law;
- (7) to serve as the state's clearinghouse for energy data. The clearinghouse shall be developed with the coordination and cooperation of other governmental data collection and record keeping systems to provide for an inventory, and the cataloging, and dissemination of energy related information. Upon the request of the director of the department, other governmental agencies, boards, and commissions shall, to the fullest extent possible, exchange records, reports, material, and other energy related information in an effort to avoid unnecessary duplication. If the amount of data requested by the department places an unreasonable burden on another agency's manpower or monies, then the department shall monetarily reimburse such agency for its efforts;
- (8) to ensure that all information of a proprietary nature shall remain confidential;
- (9) to develop, conduct and disseminate educational and training programs as provided in section 5 of this act;
- (10) to review and study energy usage by state government agencies in order to determine the potential for energy conservation, and to recommend to the appropriate agency and the governor any administrative or legislative changes necessary to promote energy conservation;
- (11) to assist and encourage the various state agencies and universities when applying for energy related contracts with federal or regional agencies or other groups. This shall be accomplished in such a manner to support and encourage the individual entrepreneurship of the universities in obtaining separately sponsored research;
- (12) to review with appropriate energy related agencies regulatory or revenue-producing practices for their impact on energy production and consumption, and to recommend appropriate changes or modifications which may improve the state's energy position without harming its economic status;

(13) to constitute the responsible agency for administering and coordinating federal energy programs delegated to the state subsequent to the enactment of this bill. Excluded are those programs currently delegated to other agencies, and those programs having objectives consistent with the jurisdiction of other agencies;

(14) to encourage, coordinate and provide for research, development, and demonstration activities in the energy areas;

(15) to apply for, when appropriate, and receive and administer federal and private grant funds which contribute to the programs and activities as set forth in this act;

(16) to enter into interstate agreements and contracts, when appropriate, to accomplish jointly with other states and the federal government energy research or planning which contribute to the purposes of the department; and

(17) to perform any other function necessary for implementation and enforcement of this act.

Section 5. Public Awareness Programs.

The department shall conduct and administer public awareness and education programs which shall inform the public and state and local government policy-makers of at least the following:

(1) the energy prospects for the state;

(2) the alternative futures in economic and environmental terms under different energy policies;

(3) the manpower needs of alternative energy policies;

(4) the probable impact of existing and proposed actions of state and federal government;

(5) the potential of research and development programs; and

(6) the importance of and the technologies and methods necessary to achieve energy conservation goals in all consuming sectors of the state's economy.

Section 6. Rulemaking Power.

The department may, after appropriate notice and public hearing, upon request promulgate reasonable rules consistent with the laws of this state, for the following purposes:

(1) to ensure the department will, for the purpose of planning and policy formulation, be able to obtain all necessary information from state agencies, and information from energy producers, suppliers, and consumers that is not required to be submitted to other state government agencies;

(2) to ensure that energy conservation measures shall be practiced by state government; and

(3) to establish such advisory groups that from time to time may be beneficial to the department.

Section 7. Administration and Reporting.

The department is solely responsible for the administration of this act; however, the department may enter into a contractual agreement with state agencies or departments, educational institutions, and such other organizations and individuals necessary to fulfill its responsibilities. Any agency, department, educational institution, or organization of the state which affects the administration or implementation of this act is required to communicate such activities to the department. Abstracts of proposals for energy related grants shall be sent to the department for informational and coordination purposes. Such abstracts shall remain confidential.

Section 8. Advisory Council.

(1) There is hereby created and established the Energy Advisory Council. For the purposes of this act the term "council" means the "Energy Advisory Council". The council shall be composed of the following:

(a) two members of the state senate designated by the president of the senate;

(b) two members of the state house of representatives designated by the speaker of the house of representatives;

(c) four representatives from state institutions of higher learning designated by the Governor, provided no two representatives shall be from the same institution, and provided one representative shall be from an historically black institution;

(d) three representatives of the citizens of the state, one designated by the Governor, one by the president of the senate, and one by the speaker of the house of representatives;

All other members will be appointed by the Governor from nominations submitted as follows:

(e) one representative of the Oil and Gas Board designated by the board;

(f) one representative of the Public Service Commission designated by the commission;

(g) one representative of the natural gas industry; designated by the Governor;

(h) one representative of the petroleum industry, designated by the Governor;

(i) one representative of the electric power industry, designated by the Governor;

(j) one representative of the coal industry, designated by the Governor;

(k) one representative of agriculture and one of private, non-industrial forestry each designated by the Commissioner of the Department of Agriculture and Industries;

(l) one representative of the manufacturing industry, designated by the Associated Industries of Alabama;

(m) one representative of city government to be designated by the Alabama League of Municipalities; and

(n) one representative of county government to be designated by the Association of County Commission of Alabama;

(o) one representative of registered professional engineers nominated by the Joint Engineers Council of Alabama, Inc.

(p) one representative of the Alabama Homebuilders Association to be nominated by the Association.

(2) The advisory committee shall set up such sub-committees as it deems necessary.

(3) The director of the department shall serve ex officio as secretary to the council. The council shall meet as soon as practicable after the effective date of this act and shall choose from among its members a chairman and a vice-chairman. The council shall meet at least twice annually, at the call of the chairman, or when at least seven members of the council officially and in writing request the secretary of the council to call a meeting.

(4) Members of the council shall serve without compensation.

(5) Members of the council shall serve at the pleasure of the official responsible for designating them members, but in no case shall the term of any member exceed four years unless such member is redesignated in accordance with sub-section (1) of this section.

Section 9. Council Duties and Functions.

The duties and functions of the council shall include, but are not limited to, the following:

(1) to evaluate and assess state energy policy and its impact upon the economy and the environment, and to report to the director of the department on its findings;

(2) to facilitate and encourage the cooperation of federal, state, and local government in the promotion and attainment of the purposes of this act;

(3) to enlist the cooperation of all appropriate private, public, civic, and community organizations and groups in implementing the purposes of this act;

(4) to advise the director of the department on matters relating to energy resource policy, development, and management and the programs and activities of the department; and

(5) to recommend to the director of the department additional legislation to further enhance the state's capabilities in energy matters.

Section 10. Funding and Assumption of Contracts.

The legislature shall appropriate moneys from the general fund for operation of the department; provided, however, that any appropriations or grants from any source whatsoever made to the Alabama Energy Management Board prior to the enactment of this act shall continue in full force and effect and shall be managed by the department. Any contracts or grants established by the Energy Management Board prior to the enactment of this act shall remain in effect and shall be assumed by the department.

Section 11. Proprietary Information.

No departmental employee or independent contractor shall divulge or make known in any manner any proprietary information acquired under the provisions of this act except in accordance with the order of a court of competent jurisdiction, as otherwise provided by law, or in the publication of

statistical information compiled by methods which do not disclose the source of the information or the identity of individual companies. Nothing in this section shall be construed to prevent inspection of reports by the attorney general, members of the legislature, or other state agencies, provided that such agencies and their employees and members are bound by the requirements set forth in this section.

Section 12. Severability.

The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Repealer.

All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. Effective Date.

This act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Britnell	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Weeks
Goodwin	Keener	Proctor	White

—23

Nays:

—0

And said Bill, S. B. 286, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John
Bailey	Holmes	Martin	Smith
Barron	Keener	McDonald	Taylor
Britnell	Kirkland	Mitchem	Weeks
Gulledge	Lemaster	Proctor	White

—19

Nays:

—0

The Bill:

S. 229. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Smith
Bailey	Hall	Lemaster	Taylor
Barron	Harrison	McDonald	Teague
Britnell	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Proctor	White
Goodwin	Keener	St. John	
			—22

Nays: —0

The Bill:

H. 319. To amend and reenact Act No. 87, S. 40, 1971 Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Little	Proctor
Bailey	Harrison	Martin	Smith
Barron	Holmes	McDonald	Taylor
deGraffenried	Keener	Mitchem	Weeks
Goodwin	Lemaster	Parsons	White
			—19

Nays: —0

The Bill:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Weeks
deGraffenried	Lemaster	Proctor	White
Goodwin	Little	Smith	
			—18

Nays: —0

The Bill:

S. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

was taken up.

Mr. Parsons moved to suspend the Rules in order that he might have his name removed as co-sponsor of the Bill. Upon objection of three Senators, the motion to suspend the Rules was lost.

On motion of Mr. Mitchem, further consideration of the Bill, S. B. 507, was postponed temporarily.

MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 570, on page 124 of the Twenty-Fourth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 570, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 115, on page 86 of the Twenty-Fourth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 115, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 220. COMMENDING MR. GEORGE D. JUZANG, MANAGER OF THE MOBILE MUNICIPAL AUDITORIUM COMPLEX.

Also:

H. J. R. 222. COMMENDING JOSEPH T. CALLAWAY AND MARY LIB CALLAWAY FOR DONATING A FORTY FOOT YACHT TRAWLER TO THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into longterm exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations;

to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 117. Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Also:

H. 241. To permit individuals, partnerships, banks, corporations and other legal entities to charge the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama, subject to the same penalties as such lending institutions for excessive interest or finance charges; to provide that this Act clarifies existing law and is therefore retroactive, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act.

Also:

H. 751. To amend Section 2 and Section 10 of Act No. 79-787, H. 1057, of the 1979 Regular Session, which relate to an increase in sales tax for Cherokee County, so as to provide that one-half of the tax proceeds shall go to the county and one-half to the county board of education; to provide that the tax on retail sales of automotive vehicles, trucks, trailers, semi-trailers or house trailers, and on machinery or equipment used for agricultural purposes shall be one-fourth of one percent; and to make this Act retroactive.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 170. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-fourth legislative day only:

Bill No.	Page No.	Description
S. B. 315	88	Education Budget
S. B. 573	111	Hall of Fame
S. B. 230	62	Insurance, MH serv., reim.
S. B. 247	48	Corp. small claim rule

S. B. 490	95	Commodities, sold by bushel or barrel
S. B. 535	88	Council on Arts & Humanities, Merit sys.
S. B. 58	9	National Guard
S. B. 60	9	National Guard
S. B. 8	10	Soc. sec. no. of driver on accident reports
S. B. 510	83	Criminal Code, 1979 Laws Incorp. into code

On motion of Mr. McDonald, the Resolution was adopted by the Senate.

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 171. COMMENDING MASTER CLAY BLANKENSHIP AND R. E. THOMPSON ELEMENTARY SCHOOL, TUSCUMBIA, ALABAMA.

Which was adopted.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 107. To repeal any laws expressly or impliedly sanctioning any deductions from penitentiary and hard labor sentences automatically made and without exceptionally good behavior and industriousness by the inmate.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 107, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 107

A BILL TO BE ENTITLED AN ACT

To regulate the deductions from penitentiary and hard labor sentences for earned good behavior by repealing Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25, Code of Alabama, 1975; so as to grant deduction from sentence to those prisoners sentenced after the passage of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Each prisoner who has been or shall hereafter be convicted of any offense against the laws of the State of Alabama and is confined, in execution of the judgment or sentence upon any such conviction, in the penitentiary or at hard labor for the county or in any municipal jail for a definite or indeterminate term, other than for life, whose record of conduct shows that he has faithfully observed the rules for a period of time to be specified by this Act may be entitled to earn a deduction from the term of his sentence as follows:

"(1) Ninety days for each thirty days actually served while the prisoner is classified as a Class I prisoner.

"(2) Sixty days for each thirty days actually served while the prisoner is a Class II prisoner.

"(3) Thirty days for each thirty days actually served while the prisoner is a Class III prisoner.

"(4) No good time shall accrue during the period the prisoner is classified as a Class IV prisoner.

"Within 90 days after the effective date of this act, the commissioner of the department of corrections shall establish and publish in appropriate directives certain criteria not in conflict with this act for Class I, II, III, and IV prisoner classifications. Such classifications shall encompass consideration of the prisoner's behavior, discipline, work practices and job responsibilities.

Class I is set aside for those prisoners who are considered to be trustworthy in every respect and who, by virtue of their work habits, conduct and attitude of cooperation have proven their trustworthiness. An example of a Class I inmate would be one who could work without constant supervision by a security officer.

Class II is that category of prisoners whose jobs will be under the supervision of a correctional employee at all times.

Class III is for prisoners with special assignments. They may not receive any of the privileges of Class I and II inmates.

All inmates sentenced into the Alabama State Penitentiary System shall be placed upon sentencing in Class IV and shall remain there a minimum period of six months.

No inmate may reach any Class without first having gone through and meeting the requirements of all lower classifications.

Persons serving sentences in the Alabama State Penitentiary who are wanted in other states for a crime or crimes committed there and who have charges of the felony grade pending against them in this state or any other state shall not be appointed trusty.

As a prisoner gains a higher classification status he shall not be granted retroactive incentive credit based on the higher classification he has reached, but shall be granted incentive credit based solely on the classification in which he was serving at the time the incentive credit was earned. Nothing in this act shall be interpreted as authorizing an inmate incentive credits based on the highest classification he attains for any period of time in which he was serving in a lower classification or from the date of his sentence.

"Provided, however, no person may be placed in Class I if he or she has been convicted of a Class A felony or punished as if he or she had committed a Class A felony. No person may be placed in Class I if he or she has been convicted of an assault where the victims of such assault suffered the permanent loss or use of permanent partial loss or use of any bodily organ or appendage. No person may be placed in Class I if he or she has been convicted of a crime involving the perpetration of sexual abuse upon the person of a child under the age of 17 years.

"If during the term of imprisonment a prisoner commits an offense or violates a rule of the department of corrections, all or any part of his correctional incentive time accrued pursuant to this section may be forfeited.

"When a prisoner is serving two or more terms of imprisonment and the sentences run consecutively, then all such sentences shall be combined for the purpose of computing deductions for correctional incentive time and release date; however, the actual deduction from sentence for correctional incentive time provided by this section shall apply only to sentences being served and to be served.

"When a prisoner is serving two or more sentences which run concurrently, the sentence which results in the longer period of incarceration yet remaining shall be considered the term to which such prisoner is sentenced for the purpose of computing his release date and correctional incentive time. When computing the deductions allowed in this section on indeterminate sentences the maximum sentence shall be the basis for the computation. The provisions of this section shall be administered by the chief administrative officer of the penal institution as it applies to prisoners in any state penal institution, by the sheriff of the county as it applies to prisoners in any county jail and by the chief of police as it applies to prisoners in any municipal jail.

Section 2. No deduction from sentence provided for by this act will be allowed for any time period served on parole. No deduction from sentence provided by this act will be used for determining an inmate's eligibility for parole.

Section 3. Any good conduct time credit earned by or otherwise granted to a prisoner prior to enactment of this Act under laws existing prior to the passage of this Act shall be computed by the department of corrections through the date next preceding the effective date of this Act under such laws and such time credit, less any forfeited, shall be granted to the prisoner.

Section 4. Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25, Code of Alabama 1975, relating to the commutation of sentences, are hereby repealed.

Section 5. Nothing herein shall be interpreted to give any retroactive effect to this Act. Nothing contained in this Act shall in any way be construed to repeal or affect the provisions of Section 13A-5-9 of the Code of Alabama 1975, as amended, or any other statute heretofore or hereinafter enacted in this state dealing with habitual felony offenders or the sentencing of such offenders.

Section 6. This Act shall be known as the "Alabama Correctional Incentive Time Act."

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

The Standing Committee on Judiciary reported the following amendment to the substitute for the Bill, S. B. 107, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 107

Amend substitute for Senate Bill 107, Page 1, Section 1, Line 27, by striking out the words "has been or".

On motion of Mr. Cook, said substitute and amendment were laid on the table.

Mr. Cook then offered the following substitute for the Bill, S. B. 107, to-wit:

SUBSTITUTE FOR S. B. 107

A BILL
TO BE ENTITLED
AN ACT

To establish the "Alabama Correctional Incentive Time Act"; to provide for earned deductions from penitentiary and hard labor sentences and to establish certain criteria therefor; to create classifications for measurement of such deductions and eligibility therefor; to require minimum sentences prior to parole eligibility; to authorize the commissioner of the department of corrections to restore certain portions of such deductions lost; to authorize the commissioner to issue, promulgate and implement such rules and regulations necessary to implement the provisions of this act; to specifically repeal Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25 of the Code of Alabama 1975, and all laws or parts of laws conflicting with this act; to make certain exemptions from the provisions of this act for those persons presently serving as inmates in the penitentiary or at hard labor and for those who are convicted for crimes committed prior to the effective date of this act, so as to provide that such prisoners shall earn deductions from sentences as presently provided by law; and to provide habitual offenders shall not be eligible for any deductions from sentences.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as the "Alabama Correctional Incentive Time Act."

Section 2. Each prisoner who shall hereafter be convicted of any offense against the laws of the State of Alabama and is confined, in execution of the judgment or sentence upon any conviction, in the penitentiary or at hard labor for the county or in any municipal jail for a definite or indeterminate term, other than for life, whose record of conduct shows that he has faithfully observed the rules for a period of time to be specified by this act may be entitled to earn a deduction from the term of his sentence as follows:

(1) Seventy-five days for each thirty days actually served while the prisoner is classified as a Class I prisoner.

(2) Forty days for each thirty days actually served while the prisoner is a Class II prisoner.

(3) Twenty days for each thirty days actually served while the prisoner is a Class III prisoner.

(4) No good time shall accrue during the period the prisoner is classified as a Class IV prisoner.

Within 90 days after the effective date of this act the commissioner of the department of corrections shall establish and publish in appropriate directives certain criteria not in conflict with this act for Class I, II, III, and IV prisoner classifications. Such classifications shall encompass consideration of the prisoner's behavior, discipline, work practices and job responsibilities.

Class I is set aside for those prisoners who are considered to be trustworthy in every respect and who, by virtue of their work habits, conduct and attitude of cooperation have proven their trustworthiness. An Example of a Class I inmate would be one who could work without constant supervision by a security officer.

Class II is that category of prisoners whose jobs will be under the supervision of a correctional employee at all times. Any inmate shall remain in this classification for a minimum period of six months before being eligible for Class I.

Class III is for prisoners with special assignments. They may not receive any of the privileges of Class I and II inmates. Any inmate shall remain in this classification for a minimum period of three months before being eligible for Class II.

Class IV is for prisoners not yet classified and for those who are able to work and refuse, or who commit disciplinary infractions of such a nature which do not warrant a higher classification, or inmates who do not abide by the rules of the institution. Inmates who are classified in this earning class receive no correctional incentive time. This class is generally referred to as "flat time" or "day-for-day." Any inmate shall remain in this classification for a minimum period of thirty days before being eligible for Class III.

No inmate may reach any Class without first having gone through and meeting the requirements of all lower classifications.

As a prisoner gains a higher classification status he shall not be granted retroactive incentive credit based on the higher classification he has reached, but shall be granted incentive credit based solely on the classification in which he was serving at the time the incentive credit was earned. Nothing in this act shall be interpreted as authorizing an inmate incentive credits based on the highest classification he attains for any period of time in which he was serving in a lower classification or from the date of his sentence.

Provided, however, no person may be placed in Class I if he or she has been convicted of a Class A felony [as defined by Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, p. 812), as amended] or has been sentenced to life, or death, or who has received a sentence for ten years or more in the state penitentiary or in the county jail at hard labor or in any municipal jail. No person may be placed in Class I if he or she has been convicted of an assault where the victims of such assault suffered the permanent loss or use of permanent partial loss or use of any bodily organ or appendage. No person may be placed in Class I if he or she has been convicted of a crime involving the perpetration of sexual abuse upon the person of a child under the age of seventeen years.

The court sentencing a person to prison shall note upon the transcript to accompany such prisoner the fact that he or she has been sentenced as a result of a crime that forbids his or her being classified as a Class I prisoner.

If during the term of imprisonment a prisoner commits an offense or violates a rule of the department of corrections, all or any part of his correctional incentive time accrued pursuant to this section may be forfeited.

The commissioner of the department of corrections shall have the power to restore to any prisoner who has heretofore, or who may hereafter, forfeit the deductions allowed him or her for good behavior, work habits and cooperation, or good conduct, by violating any existing law or prison rule or regulation such portion of his deduction for good conduct or good behavior as may be proper in his judgment, upon recommendation and evidence submitted to him by the warden in charge.

When a prisoner is serving two or more terms of imprisonment and the sentences run consecutively, then all such sentences shall be combined for the purpose of computing deductions for correctional incentive time and release date; however, the actual deduction from sentence for correctional incentive time provided by this section shall apply only to sentences to be served.

When a prisoner is serving two or more sentences which run concurrently, the sentence which results in the longer period of incarceration yet remaining shall be considered the term to which such prisoner is sentenced for the purpose of computing his release date and correctional incentive time under the provisions of this act. When computing the deductions allowed in this section on indeterminate sentences the maximum sentence shall be the basis for the computation. The provisions of this section shall be administered by the chief administration officer of the penal institution as it applies to prisoners in any state penal institution, by the sheriff of the county as it applies to prisoners in any county jail and by the chief of police as it applies to prisoners in any municipal jail.

Section 3. No deduction from sentence provided for by this act will be allowed for any time period served on parole. No deduction from sentence provided by this act will be used for determining an inmate's eligibility for parole.

Section 4. (a) Any good conduct time credit earned by or otherwise granted to a prisoner prior to enactment of this act, under laws existing prior to the passage of this act, shall be computed by the department of corrections through the date next preceding the effective date of this act under such laws and such time credit, less any forfeited, shall be granted to the prisoner.

(b) The provisions of this act shall not be applicable to any prisoner serving time prior to the effective date of this act, nor to any person who commits an offense prior to the effective date of this act, even if such person is sentenced after the effective date of this act. Deductions from the sentences of such persons shall be earned at the same rate as provided by law prior to the enactment of this act. All constitutional rights, remedies and privileges of such persons shall not be reduced, diminished or abolished.

Section 5. Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25, Code of Alabama 1975, relating to the commutation of sentences, are hereby specifically repealed, and all laws or parts of laws which conflict with this act are hereby repealed.

Section 6. Nothing herein shall be interpreted to give any retroactive effect to this act. Nothing contained in this act shall in any way be construed to repeal or affect the provisions of Section 1235 of Act No. 607 of the 1977 Regular Session, as amended, and now appearing as Section 13A-5-9 of the Code of Alabama 1975, as amended, or any other statute heretofore or hereinafter enacted in this state dealing with habitual felony offenders or the sentencing of such offenders.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. McDonald offered the following amendment to the substitute for the Bill, S. B. 107, to-wit:

AMENDMENT TO THE COOK SUBSTITUTE FOR S. B. 107

On page 4, line 14, delete the words "be placed in Class I" and insert in lieu thereof the following: receive the benefits of correctional incentive time.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner (with notice and proof):

H. 882. Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further providing for the salary, term of office, vacancy, bond, and election of said chairman.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 882, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 923, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Manley and Pegues (with notice and proof):

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 954, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Manley and Pegues (with notice and proof):

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 955, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Reps. Manley and Pegues (with notice and proof):

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 956, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Manley and Pegues:

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

Also:

By Rep. McCorquodale (with notice and proof):

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 963, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 966, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 967. To amend and re-enact Act No. 79-574, H. 995, 1979 Regular Session (Acts 1979, p. 1022), entitled, "An Act Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and

compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county," to provide further for said personnel board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 967, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 882, 923, 954, 955, 956, 957, 963, 966 and 967. To the Committee on Local Legislation No. 1.

RESOLUTION

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 172. MOURNING THE DEATH OF MR. ALBERT MILES REDD OF FOLEY, ALABAMA.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 107

The Senate proceeded to further consideration of the Bill, S. B. 107. The question was on the McDonald amendment to the Cook substitute for the Bill, S. B. 107.

Mr. Cook moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

Yeas 22; Nays 4.

Yeas:

Messrs.:	Hall	Little	Proctor	
Bailey	Harrison	Martin	Robertson	
Britnell	Higginbotham	McDonald	Taylor	
deGraffenried	Holmes	Miller	Weeks	
Goodwin	Kirkland	Mitchem	White	
Gullledge	Lemaster	Parsons		—22

Nays: Messrs.: Callahan, Cook, Keener, St. John. —4

Mr. Kirkland offered the following amendment to the substitute, as amended, for the Bill, S. B. 107, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 107

Amend substitute, as amended, for Senate Bill No. 107 Page 4 Line 37, by striking out "may" after the word Section and inserting in lieu thereof the word "shall"

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 117. Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Also:

H. 241. To permit individuals, partnerships, banks, corporations and other legal entities to charge the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama, subject to the same penalties as such lending institutions for excessive interest or finance charges; to provide that this Act clarifies existing law and is therefore retroactive, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act.

Also:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into longterm exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to

provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Also:

H. 751. To amend Section 2 and Section 10 of Act No. 79-787, H. 1057, of the 1979 Regular Session, which relate to an increase in sales tax for Cherokee County, so as to provide that one-half of the tax proceeds shall go to the county and one half to the county board of education; to provide that the tax on retail sales of automotive vehicles, trucks, trailers, semi-trailers or house trailers, and on machinery or equipment used for agricultural purposes shall be one-fourth of one percent; and to make this Act retroactive.

JOHN W. PEMBERTON,
Clerk.

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SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J) (with notice and proof):

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts. p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 988, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Langford, Wyatt, Dixon and McKee (with notice and proof):

H. 962. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 962, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Bennett (with notice and proof):

H. 654. To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 654, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Laird, Ward, Turnham and Harper (O) (with notice and proof):

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 979, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Roberts (with notice and proof):

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 986, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Roberts (with notice and proof):

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 987, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Patton (with notice and proof):

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation, and to give this Act retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 993, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Patton (with notice and proof):

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 994, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 988, 962, 979, 986, 987, and 993. To the Committee on Local Legislation No. 1.

H. B. 654. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (with notice and proof):

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 832, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby (with notice and proof):

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 857, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Bedsole (with notice and proof):

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said

departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 875, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 972, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 973, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 974, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 975, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Waggoner, Amari and Bennett (with notice and proof):

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 550, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B's 832, 857, 875, 972, 973, 974 and 975. To the Committee on Local Legislation No. 1.

H. B. 550. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky (with notice and proof):

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 890, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Stewart (with notice and proof):

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 917, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 983, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 991, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 992. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegation in Mobile County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 992, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 859. Relating to the twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 859, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 860. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 860, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 871. Relating to Madison County, Alabama; to amend Act No. 488, H. 706, Regular Session 1978 (Acts, p. 530) so as to provide that any person released from jail under Section 1 of Act 488 shall pay to the County a sum equal to 25% of his or her gross earnings earned while so released.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 871, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 911, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 890, 917, 983, 991, 992, 859, 860, 871 and 911. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 107

The Senate proceeded to further consideration of the Bill, S. B. 107. The question was on the Kirkland amendment to the Cook substitute, as amended, for the Bill, S. B. 107.

And said amendment was then adopted by the Senate.

Yeas 15; Nays 6.

Yeas:

Messrs.:	Hall	Little	Proctor
Bailey	Holmes	Miller	Robertson
Glass	Kirkland	Mitchem	Taylor
Goodwin	Lemaster	Parsons	White.

—15

Nays:

Messrs.:	deGraffenried	Martin	Weeks
Cook	Keener	St. John	

—6

Mr. Parsons offered the following amendment to the substitute, as amended, for the Bill, S. B. 107, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 107

Amend substitute, as amended, for Senate Bill No 107 Page 4 Line 36, by inserting after the word corrections, "or refuses to perform daily work assignments"

Which was lost.

Yeas 10 Nays 13.

Yeas:

Messrs.:	Holmes	Parsons	Smith
deGraffenried	Kirkland	Proctor	White
Hall	Lemaster	Robertson	

—10

Nays:

Messrs.:	Goodwin	Martin	St. John
Bailey,	Higginbotham	McDonald	Taylor
Callahan	Keener	Miller	
Cook	Little		
Glass			

—13

Mr. Bailey offered the following amendment to the substitute, as amended, for the Bill, S. B. 107, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 107

Amend substitute, as amended, for Senate Bill No. 107 Page 5 Line 12, by inserting after the word "charge" provided however that for any escape or attempt to escape from any prison, jail, guard or guards, work release program, or other correctional or detention facility or program, or custody of whatever nature, an inmate shall forfeit all correctional incentive time the inmate has earned or been granted prior to the escape or attempt to escape. No part of the correctional incentive time forfeited under the provisions of this section may be restored or remitted for any reason whatever.

On motion of Mr. Cook, said amendment was laid on the table.

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Yeas 18; Nays 4.

Yeas:

Messrs.:	Denton	McDonald	Smith
Barron	Glass	Miller	Taylor
Britnell	Goodwin	Mitchem	Weeks
Cook	Holmes	Parsons	White
deGraffenried	Martin	Proctor	—18

Nays: Messrs.: Bailey, Hall, Keener, Lemaster —4

Mr. Robertson offered the following amendment to the substitute, as amended, for the Bill, S. B. 107, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 107

Amend substitute, as amended, for Senate Bill No. 107 Page 4 Line 36, by inserting after the word corrections, "or willfully damages or destroys department of corrections property"

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cooley and Bowling (with notice and proof):

H. 968. To provide for increased revenue for roads and bridges in Cullman County in the event no state general bill becomes effective for such purpose by defining the circumstances under which the Cullman County Commission shall be authorized to levy and provide for the collection of an additional tax of not more than two cents on motor fuels and to provide for distribution and use of the proceeds from the tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 968, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 970, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Warren and McCorquodale (with notice and proof):

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 978, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (H) (with notice and proof):

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 981, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (H) (with notice and proof):

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 982, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (H) (with notice and proof):

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 999, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Waggoner, Howard, Gafford, Seibels and Horn (with notice and proof):

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 949, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Amari (with notice and proof):

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 575, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 831. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 831, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 968, 970, 978, 981, 982, 999 and 831. To the Committee on Local Legislation No. 1.

H. B.'s 949 and 575. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (with notice and proof):

H. 833. Relating to Mobile County; prohibiting the hunting of un-antlered deer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 833, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 833. To the Committee on Local Legislation No. 1.

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 252, on page 83 of the Twenty-Fourth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 252, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis and Manley:

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, to exempt certain counties from the provisions of this law and to repeal in part Section 40-12-10, Code of Alabama 1975.

Also:

By Rep. Harper (T) (with notice and proof):

H. 997. To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 997, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 384. To the Committee on Governmental Affairs.

H. B. 997. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 107

The Senate proceeded to further consideration of the Bill, S. B. 107. The question was on the Robertson amendment to the Cook substitute, as amended, for the Bill, S. B. 107.

On motion of Mr. Cook, said amendment was laid on the table.

And said substitute, as thus amended, for the Bill, S. B. 107, was then adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson
Bailey	Harrison	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Cook	Holmes	Miller	Vacca
Denton	Keener	Mitchem	Weeks
Goodwin	Kirkland	Parsons	White
Gulledge	Lemaster	Proctor	
			—26

Nays: —0

And said Bill, S. B. 107, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White
Goodwin			
			—28

Nay: Mr. Keener —1

Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, S. B. 107, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 730. Relating to Washington County; prohibiting the hunting of unantlered deer.

Also:

H. 753. To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

Also:

H. 834. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

Also:

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

Also:

H. J. R. 225. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS CREATED BY ACT NO. 79-76, H. J. R. 61, OF THE 1979 REGULAR SESSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Also:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recom-piled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 173. MOURNING THE DEATH OF MR. B. ROPER DIAL, PROMINENT BIRMINGHAM BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. B. Roper Dial of Birmingham, Alabama, on Friday, April 18, 1980, at the age of 69; and

WHEREAS, a retired career executive of the Sears, Roebuck and Company, and a longtime resident of Birmingham, Mr. Dial was the father of Mrs. Ann Louise Dial McMillan and the father-in-law of Lieutenant Governor George D. H. McMillan, with whom we deeply grieve, as with all members of Mr. Dial's family; and

WHEREAS, Mr. Dial was a member of Southside Baptist Church and was further involved, in service to others, as a member of the board of directors of the American Red Cross, Birmingham Urban League, Alabama State Chamber of Commerce, Alabama Council of Retail Merchants, Better, Business Bureau, Operation New Birmingham, and the Birmingham Centennial Corporation; and

WHEREAS, he also was a past president of Alabama Hereford Breeders Association, director of Ebsco Industries, served on the advisory committee for Birmingham Trust National Bank-Bank for Savings and Trust, and was a member of the Board of Trustees of Samford University, The Club, Salvation Army, Birmingham Symphony Association and past chairman of the Birmingham Baptist Hospitals Board; and

WHEREAS, his many activities and involvement extended further to include membership in the Birmingham Kiwanis Club, the Monday Morning Quarterback Club, Vestavia Country Club, Relay House and the Downtown Club; and

WHEREAS, in the death of Mr. B. Roper Dial, the City of Birmingham and, indeed, the entire State of Alabama, have lost an outstanding citizen whose contributions in business, civic and charitable affairs will long be remembered in deep appreciation of such sacrificial service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. B. Roper Dial and direct that copies of this resolution be provided for his wife, Mrs. Louise Davenport Dial, for his daughter, Mrs. Rebecca Dial Warner, and for our friends, Ann and George McMillan, and other family members with whom we share deep grief and sorrow.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. deGraffenried, Cook, Robertson, Bailey Barron, Britnell, Callahan, Clemon, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 174. RECOGNIZING COACH CHARLES MARTIN NEWTON FOR EXTRAORDINARY ACHIEVEMENT AS HEAD BASKETBALL COACH FOR THE UNIVERSITY OF ALABAMA.

WHEREAS, the followers of Crimson Tide basketball have been most fortunate during the past 12 years to know and enjoy a quality of basketball that is fitting of the winning tradition associated with The University of Alabama; and

WHEREAS, during this 12-year period, Alabama basketball has gained national prominence and respect, due in the largest measure to Charles Martin (C. M.) Newton, the great basketball coach of The University of Alabama whose leadership, coaching skill, foresight, and influence impacted on the youth of the State of Alabama, inciting an increased interest in the game of basketball and causing them to increase their skills and knowledge of the game; and

WHEREAS, Coach Newton and his able assistants conducted numerous clinics for coaches and young players, greatly increasing their knowledge of winning basketball, and making the State of Alabama a national recruiting ground for college coaches; and

WHEREAS, the lasting contribution that Coach Newton made to basketball in this State is in and of itself an accomplishment worthy of special recognition by this legislative body, but even more worthy are the high principles of life which guided his conduct, both on and off the court; and

WHEREAS, the great class and high example which characterized his every action brought great credit upon The University of Alabama and upon himself personally; and

WHEREAS, he was viewed among his coaching peers, sports writers, and followers of the game as the epitome of what a basketball coach ought to be; and

WHEREAS, he was hired as basketball coach at The University of Alabama by the great Paul "Bear" Bryant for precisely this reason; and

WHEREAS, during his 12 years at The University of Alabama and the 12 years he spent previously at Transylvania College in Lexington, Kentucky, this great player and pupil of the legendary Adolph Rupp amassed a total of 380 wins, ranking his 11th in total victories among the nation's "Top Twenty Basketball Coaches;" and

WHEREAS, a total of 211 of these victories against only 123 losses were recorded at The University of Alabama, almost exclusively with players who grew up on the hardwoods in this State, attesting to the quality of basketball that he helped to create in the State of Alabama; and

WHEREAS, he led the last nine of his Crimson Tide teams to winning seasons, while engaging the nation's top basketball powers in pre-Southeastern Conference and post-season competition; and

WHEREAS, during the last eight years, his Crimson Tide teams won or tied for the Southeastern Conference title three times, played in the NCAA tournament twice, and the National Invitational Tournament four times, the only times in the long history of The University of Alabama that its basketball teams had been invited to participate in either of these tournaments; and

WHEREAS, he was ably assisted in establishing this enviable record by Assistant Coach Winfrey "Wimp" Sanderson, whom The University of Alabama has selected to be its next Head Basketball Coach; and

WHEREAS, the followers of Crimson Tide basketball are saddened at the retirement of C. M. Newton from the coaching profession but are gratified that his new position as Assistant Commissioner for Administration of the Southeastern Conference will enable the people of our State and region to continue to benefit from his great leadership, character, knowledge, and example; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it formally recognizes the great achievements of Coach Charles Martin (C. M.) Newton and expresses its profound gratitude to this great coach and disciple of the game of basketball for his magnificent contributions to the advancement of the caliber of the sport in Alabama and for the tremendous impact that this special human being has brought to the character of the young people of our State.

BE IT FURTHER RESOLVED, That this resolution be spread upon the permanent record of the Legislature of the State of Alabama and that a copy be sent to Mr. C. M. Newton to be shared by his family, assistant coaches, players, and the followers of Crimson Tide basketball.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

Also:

S. J. R. 136. CONGRATULATING MR AND MRS. HENRY VIRGIL DENNIS ON THEIR FORTIETH WEDDING ANNIVERSARY.

Also:

S. J. R. 140. REQUESTING THAT THE COMMISSIONER OF AGRICULTURE AND INDUSTRIES WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE AND INDUSTRIES PROMULGATE RULES AND REGULATIONS REQUIRING RETAIL SELLERS OF GASOLINE THAT DISPENSE SUCH FUELS BY LITER, TO ALSO POST ON THEIR PUMPS THE PRICE OF SAID FUEL BY THE GALLON.

Also:

S. J. R. 150. MOURNING THE DEATH OF MRS. ANNIE DELAY TAYLOR.

Also:

S. J. R. 151. COMMENDING STATE ORATORICAL CHAMPION, THOMAS BUNDENTHAL OF SELMA, ALABAMA.

Also:

S. J. R. 152. COMMENDING HAL BLOOM, JR., EXECUTIVE ASSISTANT TO SPEAKER JOE C. McCORQUODALE.

Also:

S. J. R. 155. NOTING THE OCCASION OF MR. C. S. GIBSON'S 90TH BIRTHDAY.

Also:

S. J. R. 164. MOURNING THE DEATH OF MR. JESSE EDWIN MORRIS OF WETUMPKA, PROMINENT ELMORE COUNTIAN.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, and Senate Joint Resolutions the titles of which are set out in the foregoing report from the Committee on Rules.

MOTION IN WRITING

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 253, on page 109 of the Twenty-Fourth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 253, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-8, relating to regular meetings of the county commission; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to the proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

as amended, which said amendments are set out in the Journal of the Senate for the Twenty-Third Legislative Day.

And said Bill, S. B. 210, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cook	Glass	Keener
Britnell	deGraffenried	Hall	Kirkland
Callahan	Denton	Holmes	Lemaster

Little	Parsons	St. John	Vacca	
Martin	Pearson	Smith	Weeks	
Miller	Proctor	Taylor	White	
Mitchem	Robertson	Teague		—26
Nays:				—0

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

The Standing Committee on Finance and Taxation reported the following amendments to the Bill, S. B. 315, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 315

Amend Senate Bill 315 on page 15, lines 19-24 by deleting them in their entirety.

COMMITTEE AMENDMENT NO. 2 TO S. B. 315

Amend S. B. 315 by deleting Section 5, subsection V. A. 9., line 17 on page 33 and inserting in lieu thereof the following:

	Fund Sources included in Appropriation Total		Appropriation Total
	ASETF	Trust Funds	
9. Food Animal Health & Disease			
Research	200,000		200,000

COMMITTEE AMENDMENT NO. 3 TO S. B. 315

Amend S. 315 as follows:

On page 5, lines 13 and 25, section 3-A-5(a), strike \$6,944,166 and insert \$7,850,166.

On page 5, section 3-A-5(a) following line 20, insert the following:

"Kindergarten Administration ..	85,000
Driver Education, School Bus	
Driver Training and Vehicle	
Safety Inspection	121,000
Vocational Education	700,000"

On page 5, lines 22 and 25, section 3-A-5(a) strike \$960,850 and insert \$1,866,850.

On page 6, lines 19 and 30, section 3-A-5(d), strike \$9,562,665 and insert \$10,012,665.

On page 6, line 24, section 3-A-5(d), strike \$1,950,000 and insert \$2,400,000.

On page 6, lines 27 and 30, section 3-A-5(d), strike \$3,179,000 and insert \$3,629,000.

On page 7, lines 9 and 19, section 3-A-5(e), strike \$3,851,706 and insert \$4,351,706.

On page 7, line 12, section 3-A-5(e), strike \$500,000 and insert \$1,000,000.

On page 7, lines 15 and 19, section 3-A-5(e), strike 596,000 and insert \$1,096,000.

On page 10, lines 22 and 25, strike \$20,684,186 and insert \$22,540,186.

On page 10, line 25, strike \$87,343,339 and insert \$88,118,967.

On page 11, lines 6 through 14, delete section 3-A-8 in its entirety and renumber subsequent sections.

On page 11, lines 16 and 21, section 3-A-9, strike \$985,000 and insert \$885,000.

On page 11, lines 18 and 21, section 3-A-9, strike \$900,000 and insert \$800,000.

On page 11, lines 22 through 30, delete section 3-A-10 in its entirety and renumber subsequent sections.

On page 12, lines 11 through 28, delete section 3-A-11 in its entirety and renumber subsequent sections.

On page 12, line 31, section 3-A-12, strike \$961,405 and insert \$461,405.

On page 13, lines 10 and 13, section 3-A-12, strike \$5,000,000 and insert \$4,500,000.

On page 13, line 13, section 3-A-12, strike \$6,280,012 and insert \$5,780,012.

On page 13, lines 18 through 28, delete section 3-A-13 in its entirety and renumber subsequent sections.

On page 13, lines 31 and 36, section 3-A-14, strike \$1,660,000 and insert \$1,060,000.

On page 13, lines 33 and 36, section 3-A-14, strike \$1,600,000 and insert \$1,000,000.

On page 14, lines 7 and 14, section 3-A-15, strike \$70,315,288 and insert \$71,251,193.

On page 14, lines 9 and 14, section 3-A-15, strike \$43,564,095 and insert \$44,500,000.

On page 15, lines 25 through 30, and on page 16, lines 6 through 9, delete section 3-A-18 in its entirety and renumber subsequent sections.

On page 16, lines 27 through 31, strike section 21 in its entirety and renumber subsequent sections.

On page 17, lines 7 and 13, section 3-A-22, strike \$606,234,395 and insert \$492,669,112.

On page 17, lines 9 and 13, section 3-A-22, strike \$581,557,910 and insert \$464,992,627.

On page 17, line 10, section 3-A-22, strike \$20,000,000 and insert \$23,000,000.

On page 17, line 13, section 3-A-22, strike \$24,676,485 and insert \$27,676,485.

On page 17, lines 20 and 21, section 3-A-22, strike 32,409 and insert 24,395.

On page 17, line 31, section 3-A-22, strike \$2,609.23 and insert \$3,075.00.

On page 18, line 11, section 3-A-22, strike \$46,743,784 and insert \$48,500,000.

On page 18, lines 13, 15, and 16, section 3-A-23, strike \$94,800,594 and insert \$262,185,287.

On page 18, line 32, section 3-A-23(c), strike \$1,000,000 and insert \$900,000.

On page 19, line 22, section 3-A-23(g), strike \$28,140,268 and insert \$28,659,321.

On page 20, line 6, section 3-A-23(h), strike \$18,632,776 and insert \$19,657,317.

On page 20, following line 14, section 3-A-23, insert the following:

“(j) Additional teacher units to reduce pupil-teacher ratio in grades 1-6 11,830,802

The above appropriation is for 650 teacher units and includes salaries, other current expense and capital outlay at the same rate as provided in the Minimum Program.

(k) Supportive teacher units 31,706,521

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (i). The above appropriation is for 1,742 teacher units and includes salaries, other current expense, and capital outlay at the same rate as provided in the Minimum Program.

(l) Vocational teacher units 53,349,175

The above appropriation is for 2,802 teacher units.

(m) Driver Education teacher units 9,100,602

The above appropriation is for 500 teacher units and includes salaries, other current expense, and capital outlay at the same rate as provided in the Minimum Program.

(n) Special Education
.....\$59,953,999”

The above appropriation is for 3,250 teacher units and includes salaries, other current expense, and capital outlay at the same rate as provided in the Minimum Program.

On page 21, lines 6 through 23, delete section 3-A-25 in its entirety and renumber subsequent sections.

On page 21, lines 24 through 32, strike section 3-A-26 in its entirety and renumber subsequent sections.

On page 23, lines 9 and 17, section 3-A-28, strike \$48,334,921 and insert \$49,095,193.

On page 23, lines 11 and 17, section 3-A-28, strike \$35,752,728 and insert \$36,513,000.

On page 26, lines 24, 26, and 27, section 3-A-34, strike \$1,300,000 and insert \$1,215,000.

On page 27, lines 12 and 20, section 3-A-35, strike \$10,419,920 and insert \$9,419,920.

On page 27, lines 18 and 20, section 3-A-35, strike \$9,400,000 and insert \$8,400,000.

On page 39, lines 6 through 13, delete section 6 in its entirety and renumber subsequent sections.

COMMITTEE AMENDMENT NO. 4 TO S. B. 315

Amend Senate Bill 315 on page 19, line 30, by inserting after the word “school” the following language:

”, and \$240,000 for the Vaughn-Blumberg Center for the Developmentally Disabled”

COMMITTEE AMENDMENT NO. 5 TO S. B. 315

Amend S. B. 315, Section 3, Subsection A 25, page 22, on lines 10, 16 and 17, by striking the figure “76,000” wherever it appears , and inserting in lieu thereof at each such place the following figure:

“96,000”

FINANCE AND TAXATION COMMITTEE AMENDMENT NO. 6 TO S. B. 315

Amend Senate Bill 315 on page 19, line 30, by inserting after the word “school” the following language:

"and \$240,000 for the Valley Haven School of Chambers County"

FINANCE AND TAXATION COMMITTEE
AMENDMENT NO. 7 TO S. B. 315

Amend Senate Bill 315 on page 39 immediately following line 13 by inserting the following new sections:

SECTION 7.

A. OTHER EDUCATIONAL APPROPRIATIONS:

- | | |
|---|---------|
| (1) University of South Alabama | 415,000 |
| For unreimbursable losses caused by Hurricane Frederic. | |
| (2) Mobile County Board of Education | 450,000 |
| For unreimbursable losses caused by Hurricane Frederic. | |

SECTION 8.

a. OTHER EDUCATIONAL APPROPRIATIONS:

- | | |
|---|---------|
| (1) Baldwin County Board of Education | 250,000 |
| For unreimbursable losses caused by Hurricane Frederic. | |
| Renumber the remaining sections in proper numerical sequence. | |

FINANCE & TAXATION COMMITTEE
AMENDMENT NO. 8 TO S. B. 315

Amend Senate Bill 315, Page 10, Line 34, by adding the following:

Comprehensive Employment and Training Act	250,000	250,000
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FINANCE & TAXATION COMMITTEE
AMENDMENT NO. 9 TO S. B. 315

Amend Senate Bill 315, Page 10, Lines 15-25, by striking out in its entirety and inserting in lieu thereof the following:

Rehabilitation Services Program	6,420,000	24,871,940	31,291,940
Handicapped Recreation Program (to provide recreation at a year round accredited handicapped recreation facility)	200,000		200,000

SOURCE OF FUNDS:

(1) ASETF	13,820,000		
(2) Federal and Local Funds		27,930,140	
Total Health Services	13,820,000	27,930,140	41,750,140
Total Department of Education			

SOURCE OF FUNDS:

(1) ASETF	20,884,186		
(2) Federal and Local Taxes		66,659,153	
Grand Total Department of Educa- tion	20,884,186	66,659,153	87,543,339

FINANCE AND TAXATION COMMITTEE
AMENDMENT NO. 10 TO S. B. 315

Amend Senate Bill 315 by adding in Section 5, I, B, on page 31 of the bill, immediately following item 25, the following:

"26. Program Enhancement for School of Engineering and the School of Business \$500,000.

"27. For Public Health School \$500,000."

Further amend the bill by adjusting all totals accordingly.

FINANCE AND TAXATION COMMITTEE
AMENDMENT NO. 11 TO S. B. 315

Amend Senate Bill 315, Page 40, Line 23, by inserting the following and renumbering subsequent sections accordingly:

"Section 10. None of the funds hereby appropriated shall be used, directly or indirectly, for any lobbying purposes."

FINANCE AND TAXATION COMMITTEE
AMENDMENT NO. 12 TO S. B. 315

Amend Senate Bill 315, Page 30, Line 33, by inserting a new No. 17 and renumbering subsequent lines accordingly: -

"17. Spain Rehabilitation Center in Birmingham for capital outlay 1,000,000"

On motion of Mr. Pearson, said amendments were laid on the table.

Mr. Pearson then offered the following substitute for the Bill. S. B. 315, to-wit:

SUBSTITUTE FOR S. B. 315

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1981 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund

Surplus Account and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1981 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

SECTION 3

A. STATE AGENCIES

1. Academy of Honor, Alabama

(a) Historical Resources Management Program	950
---	-----

SOURCE OF FUNDS:

(1) ASETF	950	
Total Alabama Academy of Honor	950	950

2. Arts and Humanities, Council on the

(a) Fine Arts Program	1,100,000
(b) Birmingham Symphony	200,000
(c) Alabama Shakespeare Festival	25,000

SOURCE OF FUNDS:

(1) ASETF	525,000		
(2) Federal and Local Funds		800,000	
Total Council on the Arts and Humanities	525,000	800,000	1,325,000

3. Debt Service	874,269
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(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	214,525
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(b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated	45,000
For interest on Auburn University Endowment	20,280
For interest on University of Alabama Endowment	61,000
For interest on Grove Hill Endowment	600
For interest on Public School Fund Endowment:	
Interest on 16th Section lands, Estimated	410,000
Interest on School Indemnity lands, Estimated	90,000
Interest on Valueless 16th Section lands	5,825
Interest on Surplus Revenue	26,764
Interest on James Wallace Fund	275
Total	659,744

SOURCE OF FUNDS:

(1) ASETF	874,269	
Total Debt Service	874,269	874,269

4. Dental Scholarship Awards, Board of

(a) Support of Other Educational Activities Program	228,000
---	---------

SOURCE OF FUNDS:

(1) ASETF	228,000	
Total Board of Dental Scholarship Awards	228,000	228,000

(To be expended under the provisions of Act No. 662, 1977 Regular Session.)

5. Education, Department of

(a) Instructional Technical Assistance Program	7,850,166
--	-----------

The proposed spending plan for the above is as follows:

Right-to-Read	80,250
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Career Education	105,600
Special Education, Adminis- tration	525,000
Fire College	250,000
Kindergarten Administra- tion	85,000
Driver Education, School Bus Driver Training and Vehicle Safety	121,000
Vocational Education Admin.	700,000

SOURCE OF FUNDS:

(1) ASETF	1,866,850		
(2) Federal & Local Funds		<u>5,983,316</u>	
Total Instructional Technical As- sistance Program	<u>1,866,850</u>	<u>5,983,316</u>	<u>7,850,166</u>

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act.)

(b) Local Agency Support Program	2,451,560
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The proposed spending plan for the above is as follows:

Coordination of In-School Televi- sion	114,159
School Bus Driver Training and Vehicle Safety Inspec- tion	206,045
Testing	800,000
Plans and Surveys	71,132

SOURCE OF FUNDS:

(1) ASETF	1,191,336		
(2) Federal and Local Funds		<u>1,260,224</u>	
Total Local Agency Support Pro- gram	<u>1,191,336</u>	<u>1,260,224</u>	<u>2,451,560</u>

(c) Regulation Program	974,640
Teacher Certification and Accredi- tation	227,000

SOURCE OF FUNDS:

(1) ASETF	227,000		
(2) Federal and Local Funds		<u>747,640</u>	

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Total Regulation Program	227,000	747,640	974,640
(d) Administrative Services Program			9,562,665
The proposed spending plan for the above is as follows:			
Compact for Education ...	29,000		
Operations & Maintenance of Department	1,950,000		
Telephone Network Fund	1,200,000		
SOURCE OF FUNDS:			
(1) ASETF	3,179,000		
(2) Federal and Local Funds		6,383,665	
Total Administrative Services Program	3,179,000	6,383,665	9,562,665
The above appropriation shall include a transfer to the State Personnel Department of \$67,905.			
(e) Audit Education Program ...			3,851,706
The proposed spending plan for the above is as follows:			
Adult Basic Education ..	500,000		
Community Education ...	96,000		
SOURCE OF FUNDS:			
(1) ASETF	596,000		
(2) Federal and Local Funds		3,255,706	
Total Adult Education Program .	596,000	3,255,706	3,851,706
(f) Support of State Universities Program			256,833
SOURCE OF FUNDS:			
(1) Federal and Local Funds		256,833	
Total Support of State Universities Program		256,833	256,833
(g) Projects-Vocation Rehabilitation/Crippled Children Services Program			4,324,007
SOURCE OF FUNDS:			
(1) Federal and Local Funds		4,324,007	
Total Projects-Voc. Rehab/Crippled Children Services Program		4,324,007	4,324,007
(h) Disability Determination for Social Security Program			8,336,401

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>8,336,401</u>	
Total Disability Determination for Social Security Program	<u>8,336,401</u>	<u>8,336,401</u>
(i) Skill Enhancement and Em- ployment Opportunities Pro- gram		8,181,221

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>8,181,221</u>	
Total Skill Enhancement and Em- ployment Opportunities Pro- gram	<u>8,181,221</u>	<u>8,181,221</u>
(j) Support of Other Educational Activities		10,000

The proposed spending plan for the
above is as follows:

Education of Dependents of Blind
Parents 10,000

SOURCE OF FUNDS:

(1) ASETF	<u>10,000</u>	
Total Support of Other Educational Activities	<u>10,000</u>	<u>10,000</u>

For reimbursement of every State
Institution of Higher Learning,
College, University, or Trade
School or Junior College, in
which benefits are given to de-
pendents of blind parents under
the provisions of Act No. 281,
1966 Special Session.

(k) Emergency Medical Services Education Program	900,000
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To be distributed by the Depart-
ment of Education as follows:

- (1) West Alabama Emergency
Medical Service, Inc. . . 128,571
- (2) Birmingham Regional
Emergency Medical Sys-
tem 128,572
- (3) North Alabama Emergency
Medical Services, Inc. . 128,571
- (4) Southeast Alabama
Emergency Medical Services
System, Inc. 128,572
- (5) East Alabama Emergency
Medical Services, Inc. . 128,571

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(6) Southwest Alabama
Emergency Medical Services
Council, Inc. 128,572

(7) Trenholm State Technical Col-
lege 128,571

The amounts herein appropriated
shall be used for the operation
and maintenance of the various
medical services programs
named and for the purchase of
instructional supplies and new
instructional equipment for such
programs.

SOURCE OF FUNDS:

(1) ASETF	900,000		
Total Emergency Medical Services Education Program	900,000		900,000
(1) Health Services			41,550,140
Crippled Children Services Pro- gram	4,300,000	3,058,200	7,358,200
Hemophilia Program	300,000		300,000
Homebound Program	2,600,000		2,600,000
Rehabilitation Services Program	6,420,000	24,871,940	31,291,940

SOURCE OF FUNDS:

(1) ASETF	13,620,000		
(2) Federal and Local Funds		27,930,140	
Total Health Services	13,620,000	27,930,140	41,550,140

Total Department of Education

SOURCE OF FUNDS:

(1) ASETF	21,590,186		
(2) Federal and Local Funds		66,659,153	
Grand Total Department of Educa- tion	21,590,186	66,659,153	88,249,339

6. Employees Insurance, State ..	405,400
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SOURCE OF FUNDS:

(1) ASETF	405,400	
Total State Employees Insurance	405,400	405,400

7. Employees Retirement, State .	200,332
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SOURCE OF FUNDS:

(1) ASETF	200,332	
Total State Employees Retirement	200,332	200,332

8. Fine Arts, Alabama School of

(a) Fine Arts Program			985,000
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SOURCE OF FUNDS:

(1) ASETF	900,000		
(2) Federal and Local Funds		85,000	
Total Alabama School of Fine Arts	<u>900,000</u>	<u>85,000</u>	<u>985,000</u>

9. Higher Education, Commission
on

(a) Planning & Coordination Ser- vices Program			961,405
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(b) Alabama Student Assistance Program			2,318,607
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(c) Alabama Student Grant Pro- gram			3,000,000
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SOURCE OF FUNDS:

(1) ASETF	5,000,000		
(2) Federal and Local Funds		<u>1,280,012</u>	
Total Commission on Higher Edu- cation	<u>5,000,000</u>	<u>1,280,012</u>	<u>6,280,012</u>

The Alabama Student Grant funds
are to be expended in accordance
with Act No. 90, 1978 Second
Special Session.

10. Industrial Development train-
ing Institute, Alabama

(a) Industrial Training Program			1,060,000
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SOURCE OF FUNDS:

(1) ASETF	1,000,000		
(2) Federal and Local Funds		<u>60,000</u>	
Total Alabama Industrial Devel- opment Training Institute	<u>1,000,000</u>	<u>60,000</u>	<u>1,060,000</u>

11. Junior College School System

(a) Academic Instruction and In- stitutional Support Program ..			70,789,729
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SOURCE OF FUNDS:

(1) ASETF	44,038,536		
(2) Federal and Local Funds		10,235,056	
(3) State Funds		846,012	
(4) Other Funds		10,900,045	
(5) Auxiliary Enterprises		<u>4,770,080</u>	
Total Junior College School System	<u>44,038,536</u>	<u>26,751,193</u>	<u>70,789,729</u>

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This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1979-80 by all the Junior Colleges listed in this appropriation. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.)

12. Law Institute, Alabama

(a) Support of Other Educational Activities Program	211,000
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SOURCE OF FUNDS:

(1) ASETF	211,000	
Total Alabama Law Institute	<u>211,000</u>	<u>211,000</u>

13. Marine Environmental Sciences Consortium

(a) Support of Other Educational Activities Program	652,353
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SOURCE OF FUNDS:

(1) ASETF	512,000	
(2) Federal and Local Funds		<u>140,353</u>
Total Marine Environmental Sciences Consortium	<u>512,000</u>	<u>140,353</u> <u>652,353</u>

14. Medical Scholarships Awards, Boards of

(a) Support of Other Educational Activities Program	711,000
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SOURCE OF FUNDS:

(1) ASETF	711,000	
Total Board of Medical Scholarships Awards	<u>711,000</u>	<u>711,000</u>

(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

15. Minimum Program and Public School Fund

(a) Financial Assistance Program 485,234,891

SOURCE OF FUNDS:

(1) ASETF	456,558,406		
(2) Public School Fund		24,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program and Public School Fund	456,558,406	28,676,485	485,234,891

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1980-81 is based on 24,395 teacher units.

It is provided in the event there are more than 24,395 earned teacher units for the fiscal year 1980-81, then such amounts necessary to pay for those excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,875.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$45,943,784.

16. Board of Education

(a) Financial Assistance Program 263,861,434

SOURCE OF FUNDS:

(1) ASETF	263,861,434	
Total Board of Education	263,861,434	263,861,434

(a) To be distributed by State Board of Education for:

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Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers 15,500,000

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative, supervisory unit, full time support employee, and adult school bus drivers.

(b) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick Leave 900,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal Leave 1,000,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace Fees 10,637,550

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (300) per teacher unit for grades 7-12 for all teachers employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(f) Maintenance 6,000,000

(g) Continuation of funds previously granted for Special Education 28,140,268

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$28,140,268 for Special Education \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, and \$125,000 to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

(h) Kindergarten teacher units 19,441,317

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(i) Free Textbooks ... 10,000,000

(j) Additional teacher units to reduce pupil-teacher ratio in grades 1-6 11,700,802

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital outlay at the same rate as provided in the Minimum Program.

(k) Supportive teacher units 31,358,121

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (i).

The above appropriation is for 1,742 teacher units and includes salaries, other current expense, and capital outlay at the same rate as provided in the Minimum Program.

(l) Vocational teacher units 52,788,775

The above appropriation is for 2,802 teacher units.

(m) Driver Education teacher units 9,000,602

The above appropriation is for 500 teacher units and includes salaries, other current expense, and capital outlay at the same rate as provided in the Minimum Program.

(n) Special Education 59,303,999

The above appropriation is for 3,250 teacher units and includes salaries, other current expense, and capital outlay at the same rate as provided in the Minimum Program.

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(o) Salary increase for lunchroom workers formerly granted (to be funded from this appropriation and funds appropriated for "other current expenses") .. 4,200,000

17. Nursing, Alabama Board of

(a) Professional and Occupational Licensing and Regulation Program

607,000

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$540.

SOURCE OF FUNDS:

(1) ASETF—as provided in Act No. 68, 1977 Special Session. Scholarships for Graduate Nurses ..

57,000

(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended

550,000

Total Alabama Board of Nursing

57,000

550,000

607,000

18. Physical Fitness, Commission on

(a) Advisory Services Program ..

76,000

The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF

75,000

Total Commission on Physical Fitness

76,000

76,000

19. POSTSECONDARY
VOCATIONAL-TECHNICAL
EDUCATION SYSTEM

(a) Instructional and Institutional Support Program

48,748,771

SOURCE OF FUNDS:

(1) ASETF

36,166,578

(2) Federal and Local Funds

1,042,332

(3) State Funds

563,944

(4) Other Funds

7,691,145

(5) Auxiliary Enterprises

3,284,772

Total Postsecondary Vocational-Technical Education System ..

36,166,578

12,582,193

48,748,771

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnelley State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

20. Social Security (ASETF Share)

(a) For State's share of Social Security, Estimated

69,400,000

(Includes payment to MICA)

SOURCE OF FUNDS:

(1) ASETF	<u>69,400,000</u>	
Total Social Security	<u>69,400,000</u>	<u>69,400,000</u>
21. Teachers' Retirement System of Alabama		
(a) Retirement System Program, Estimated		170,073,900

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System	161,313,900	
(2) ASETF-Teachers' Special Pen- sion Fund	<u>8,760,000</u>	
Total Retirement Systems Pro- gram (State's Share)	<u>170,073,900</u>	<u>170,073,900</u>

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

22. Tenure Commission, State		
(a) Regulation Program		9,000

SOURCE OF FUNDS:

(1) ASETF	<u>9,000</u>	
Total State Tenure Commission .	<u>9,000</u>	<u>9,000</u>

23. Television Commission, Edu-
cation

(a) Educational TV Services Pro- gram	2,455,000	
(b) Public Radio Services Program	176,000	

SOURCE OF FUNDS:

(1) ASETF	2,000,000	
(2) Federal and Local Funds	<u>631,000</u>	
Total Education Television Com- mission	<u>2,000,000</u>	<u>2,631,000</u>

24. Unemployment Compensation		1,750,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,750,000</u>	
Total Unemployment Compensa- tion	<u>1,750,000</u>	<u>1,750,000</u>

25. Veterans Education Benefits

(a) Administration of Veterans Affairs Program	1,215,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,215,000</u>	
Total Veterans Education Benefits	<u>1,215,000</u>	<u>1,215,000</u>

The above appropriation includes prorata administration costs of the Department of Veteran Affairs and for the reimbursement to every state Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

26. Youth Services, Department of

(a) Youth Services Program	9,419,920
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,787.

SOURCE OF FUNDS:

(1) ASETF	8,400,000		
(2) Federal and Local Funds		<u>1,019,920</u>	
Total Department of Youth Services	<u>8,400,000</u>	<u>1,019,920</u>	<u>9,419,920</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session.)

Section 4.

A. FINANCIAL ASSISTANCE
TO NON-STATE EDUCATIONAL AGENCIES

1. American Legion and Auxiliary Scholarships

(a) Support of Other Educational Activities Program	4,700
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SOURCE OF FUNDS:

(1) ASETF	<u>4,700</u>	
Total American Legion and Auxiliary Scholarships	<u>4,700</u>	<u>4,700</u>

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2. Arts Hall of Fame, Alabama

(a) Fine Arts Program 6,000

SOURCE OF FUNDS:

(1) ASETF 6,000

Total Alabama Arts Hall of Fame 6,000

(To be expended under the provisions of Act No. 676, 1978 Regular Session.)

3. Environmental Quality Association, Alabama

(a) Environmental Education Program 175,000

SOURCE OF FUNDS:

(1) ASETF 175,000

Total Alabama Environmental Quality Association 175,000

4. Opportunities Industrialization Centers

(a) Skills Enhancement and Employment Opportunities Program 175,000

SOURCE OF FUNDS:

(1) ASETF 175,000

Total Opportunities Industrialization Centers 175,000

5. Birmingham Sickie Cell:

Sickie Cell Education Program .. 30,000

SOURCE OF FUNDS:

(1) ASETF 30,000

Total Birmingham Sickie Cell ... 30,000

6. Sickie Cell Association, Inc., East Alabama

(a) Sickie Cell Education Program 30,000

SOURCE OF FUNDS:

(1) ASETF 30,000

Total East Alabama Sickie Cell Association 30,000

7. Sylacauga Nurses Training School

(a) Support of Other Educational Activities Program	58,000
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SOURCE OF FUNDS:

(1) ASETF	<u>58,000</u>	
Total Sylacauga Nurses Training School	<u>58,000</u>	<u>58,000</u>

Section 5. Colleges, Universities and Schools

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA

A. The University

1. Operations and Maintenance .	36,297,905	28,190,591	64,488,496
2. Research, Extension and Public Service	2,074,456	218,487	2,292,943
3. Emergency Medical Service ..	141,533	92,632	234,165
4. Center for Emotionally Disturbed Children	533,215	472,652	1,005,867
5. Nursing Scholarships	18,000		18,000
6. School of Mines	1,161,814	927,610	2,089,424
7. Family Practice Center	839,736	641,096	1,480,832
8. Alabama Museum of Natural History	167,273	44,164	211,437
9. College of Community Health Services Medical Education ...	2,440,000	1,260,000	3,700,000
10. Vocational Teacher Training	381,442	182,158	563,600
11. Cooperative University Upper Division Program	217,004	75,000	292,004
12. Rural Infant Stimulation Environment Program	140,465	63,429	203,894
13. High Risk Nursery	113,226		113,226
14. Safe State Program	173,923		173,923
15. College of Education	200,000		200,000
16. Auxiliary Enterprises		<u>18,742,893</u>	<u>18,742,893</u>

SOURCE OF FUNDS:

(1) ASETF	44,900,000	
(2) Other Funds		<u>50,910,712</u>
Total University of Alabama	<u>44,900,000</u>	<u>50,910,712</u>

B. University of Alabama in Birmingham

1. University College	15,583,842	12,437,344	28,021,186
2. School of Public and Allied Health	2,347,460	1,956,364	4,303,824

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3. Regional Technical Institute ..	1,956,990	402,465	2,359,455
4. Joint Health Sciences	3,051,326	1,432,456	4,483,782
5. Student Nurses Loans	12,000		12,000
6. Nursing Scholarships	88,400		88,400
7. School of Nursing	3,407,980	2,375,206	5,783,186
8. Center for Labor Education and Research	285,196		285,196
9. Urban Research and Public Ser- vice	328,604		328,604
10. School of Medicine	17,605,115	45,971,958	63,577,073
11. School of Optometry	2,258,777	1,829,134	4,087,911
12. School of Dentistry	7,677,297	9,310,026	16,987,323
13. System Medical Education Program	529,440		529,440
14. Family and Other Primary Care Residency Program	1,705,271		1,705,271
The above appropriation shall be expended for residency programs as follows:			
Anniston	284,211		
East End	284,212		
Jefferson County	284,212		
Montgomery	284,212		
Selma	284,212		
Gadsden	284,212		
15. Montgomery Internal Medicine	258,147		258,147
16. University Hospital	6,268,638	104,192,236	110,460,874
16A. Program Enhancement for School of Engineering and the School of Business	500,000		500,000
16B. Public Health School	500,000		500,000
17. Department of Pediatrics	334,022		334,022
18. Health-Related Research and Public Service	3,036,903		3,036,903
19. Emergency Medical Training	173,392		173,392
20. Hypertension Research	420,600		420,600
21. Multipurpose Arthritis Center	420,600		420,600
22. Medical Genetics Program ..	200,000		200,000
23. Special Mental Health		3,222,284	3,222,284
24. Center for Developmental and Learning Disorders		544,707	544,707
25. Auxiliary Enterprises		6,675,000	6,675,000

SOURCE OF FUNDS:

(1) ASETF	68,950,000		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds		<u>186,582,189</u>	
Total University of Alabama in Birmingham	<u>68,950,000</u>	<u>190,349,180</u>	<u>259,299,180</u>

C. University of Alabama in Huntsville

1. Operations and Maintenance .	6,721,621	6,235,320	12,956,941
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research	50,000		50,000
4. School of Primary Medical Care	2,898,401	405,133	3,303,534
5. Community Medicine Rural Preceptorship Program	30,000		30,000
6. Johnson Environmental and Energy Center	287,541	1,489,765	1,777,306
7. Ambulatory Care Center	931,773	739,623	1,671,396
8. School of Nursing	<u>894,247</u>	<u>272,521</u>	<u>1,166,768</u>
9. Paramedic Training	131,910		131,910
10. Alabama Solar Energy Center	286,507		286,507
11. Auxiliary Enterprises		<u>1,405,801</u>	<u>1,405,801</u>

SOURCE OF FUNDS:

(1) ASETF	12,250,000		
(2) Other Funds		<u>10,548,163</u>	
Total University of Alabama in Huntsville	<u>12,250,000</u>	<u>10,548,163</u>	<u>22,798,163</u>

II. BOARD OF TRUSTEES OF ALABAMA A & M UNIVERSITY

A. Alabama A & M University

1. Operations and Maintenance .	9,475,000	11,475,698	20,950,698
2. Vocational Teacher Training .	275,000		275,000
3. Auxiliary Enterprises		<u>3,483,602</u>	<u>3,483,602</u>

SOURCE OF FUNDS:

(1) ASETF	9,750,000		
(2) Other Funds		<u>14,959,300</u>	
Total Alabama A & M University	<u>9,750,000</u>	<u>14,959,300</u>	<u>24,709,300</u>

III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY

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A. Alabama State University

1. Operations and Maintenance .	8,475,000	4,006,200	12,481,200
2. Auxiliary Enterprises		<u>3,428,130</u>	<u>3,428,130</u>

SOURCE OF FUNDS:

(1) ASETF	8,475,000		
(2) Other Funds		<u>7,434,330</u>	
Total Alabama State University .	<u>8,475,000</u>	<u>7,434,330</u>	<u>15,909,330</u>

IV. STATE BOARD OF EDUCATION

A. Athens State College

1. Operations and Maintenance .	1,620,000	1,396,954	3,016,954
2. Auxiliary Enterprises		<u>336,925</u>	<u>336,925</u>

SOURCE OF FUNDS:

(1) ASETF	1,620,000		
(2) Other Funds		<u>1,733,879</u>	
Total Athens State College	<u>1,620,000</u>	<u>1,733,879</u>	<u>3,353,879</u>

V. BOARD OF TRUSTEES OF AUBURN UNIVERSITY

A. Auburn University

1. Operations and Maintenance .	39,902,614	30,344,666	70,247,280
2. School of Nursing	425,000		425,000
3. Educational Television	376,712		376,712
4. Center for Vocational and Adult Education	535,000		535,000
5. Clinical Psychology	117,700		117,700
6. Engineering Experiment Station	896,054		896,054
7. Public Service, Research and Extension	386,120		386,120
8. Energy Research	275,800		275,800
9. Food Animal Health & Disease Research	200,000		200,000
10. Auxiliary Enterprises		<u>21,926,138</u>	<u>21,926,138</u>

SOURCE OF FUNDS:

(1) ASETF	43,115,000		
(2) Other		<u>52,270,804</u>	
Total Auburn University	<u>43,115,000</u>	<u>52,270,804</u>	<u>95,385,804</u>

B. Agricultural Experiment Station

1. Operations and Maintenance .	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>
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SOURCE OF FUNDS:

(1) ASETF	8,300,000		
(2) Other		<u>9,220,328</u>	
Total Agricultural Experiment Station	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>

C. Cooperative Extension Service

1. Operations and Maintenance .	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>
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SOURCE OF FUNDS:

(1) ASETF	10,257,000		
(2) Other		<u>9,611,536</u>	
Total Cooperative Extension Service	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>

D. Auburn University at Montgomery

1. Operations and Maintenance .	6,211,932	4,601,761	10,813,693
2. Montgomery Area Community Health Sciences Institute	52,068		52,068
3. Public Service, Research and Extension (Center for Government and Public Affairs)	163,500	32,037	195,537
4. School of Nursing	272,500	3,010	275,510
5. Auxiliary Enterprises		<u>1,289,206</u>	<u>1,289,206</u>

SOURCE OF FUNDS:

(1) ASETF	6,700,000		
(2) Other		<u>5,926,014</u>	
Total Auburn University at Montgomery	<u>6,700,000</u>	<u>5,926,014</u>	<u>12,626,014</u>

VI. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

A. Jacksonville State University

1. Operations and Maintenance .	11,797,000	3,915,183	15,712,183
2. Gadsden Program	485,000	110,000	595,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	100,000		100,000
5. Vocational Teacher Training .	100,000		100,000
6. Auxiliary Enterprises		<u>1,375,000</u>	<u>1,375,000</u>

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SOURCE OF FUNDS:

(1) ASETF	12,500,000		
(2) Other		<u>5,400,183</u>	
Total Jacksonville State University	<u>12,500,000</u>	<u>5,400,183</u>	<u>17,900,183</u>

VIII. BOARD OF TRUSTEES OF
LIVINGSTON STATE UNIVERSITY:

A. Livingston State University

1. Operations and Maintenance ..	3,882,000	750,129	4,632,129
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,179,309</u>	<u>1,179,309</u>

SOURCE OF FUNDS:

(1) ASETF	3,900,000		
(2) Other		<u>1,929,438</u>	
Total Livingston State University	<u>3,900,000</u>	<u>1,929,438</u>	<u>5,829,438</u>

VIII. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTEVALLO:

A. University of Montevallo

1. Operations and Maintenance ..	6,115,443	3,058,288	9,173,731
2. School for Aphasic Children ..	223,399	16,000	239,399
3. Highway Safety Program	140,799		140,799
4. Communication Center	20,359	65,000	85,359
5. Auxiliary Enterprises		<u>2,459,750</u>	<u>2,459,750</u>

SOURCE OF FUNDS:

(1) ASETF	6,500,000		
(2) Other Funds		<u>5,599,038</u>	
Total University of Montevallo ..	<u>6,500,000</u>	<u>5,599,038</u>	<u>12,099,038</u>

IX. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH ALABAMA:

A. University of North Alabama

1. Operations and Maintenance ..	7,932,000	2,904,210	10,836,210
2. Nursing School Scholarships ..	18,000		18,000
3. Auxiliary Enterprises		<u>2,939,575</u>	<u>2,939,575</u>

SOURCE OF FUNDS:

(1) ASETF	7,950,000		
(2) Other		<u>5,843,785</u>	

Total University of North Alabama	<u>7,950,000</u>	<u>5,843,785</u>	<u>13,793,785</u>
X. BOARD OF TRUSTEES OF SOUTH ALABAMA			
A. University of South Alabama			
1. Operations and Maintenance .	11,824,547	8,233,978	20,058,525
2. Medical Research and Public Service	362,128		362,128
(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)			
3. Family Practice Residency Program	577,000		577,000
4. College of Medicine	9,000,000	7,046,456	16,046,456
5. Medical Center Hospital	1,677,427	28,544,510	30,221,937
6. Newborn Growth and Development Program	80,000		80,000
7. Division of Allied Health	700,000	101,946	801,946
8. School of Nursing	600,000	199,166	799,166
9. Nursing Scholarships	18,000	5,550	23,550
10. Research, Public Service and Extension	91,398	33,583	124,981
11. Paramedic Training Program	137,500	56,075	193,575
12. Basic Medical Sciences	250,000		250,000
13. Birth Defect Genetic Center .	220,000		220,000
14. Auxiliary Enterprises		<u>3,770,970</u>	<u>3,770,970</u>
SOURCE OF FUNDS:			
(1) ASETF	25,538,000		
(2) Other		<u>47,994,234</u>	
Total University of South Alabama	<u>25,538,000</u>	<u>47,994,234</u>	<u>73,532,234</u>
XI BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:			
1. Operations and Maintenance at Troy	7,248,000	4,280,000	11,528,000
2. Operations and Maintenance at Ft. Rucker/Dothan	975,000	1,152,462	2,127,462
3. Operations and Maintenance in Montgomery	250,000	1,478,680	1,728,680
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	56,000	495,000	551,000

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6. School of Nursing— Montgomery	250,000	18,000	268,000
7. Branch Campus at Phenix City	85,000	390,000	475,000
8. Auxiliary Enterprises		<u>3,587,707</u>	<u>3,587,707</u>

SOURCE OF FUNDS:

(1) ASETF	8,900,000		
(2) Other		<u>11,401,849</u>	
Total Troy State University	<u>8,900,000</u>	<u>11,401,849</u>	<u>20,301,849</u>

**XII. BOARD OF TRUSTEES FOR
ALABAMA INSTITUTE FOR
DEAF AND BLIND:**

**A. Alabama Institute for Deaf and
Blind**

1. Operations and Maintenance .	5,125,760	2,314,000	7,439,760
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**B. Department of Adult Blind and
Deaf**

1. Special Technical Facility	1,267,769	2,388,916	3,656,685
2. Industries for the Blind	<u>486,471</u>	<u>7,586,230</u>	<u>8,072,701</u>

SOURCE OF FUNDS:

(1) ASETF	6,880,000		
(2) Other		<u>12,289,146</u>	
Total Alabama Institute for Deaf & Blind	<u>6,880,000</u>	<u>12,289,146</u>	<u>19,169,146</u>

SECTION 6.

"Mobile County Board of Education	<u>400,000</u>		<u>400,000</u>
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For non-reimbursable losses
caused by Hurricane Frederic.

Total	<u>400,000</u>		<u>400,000</u>
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Baldwin County Board of Educa- tion	200,000		200,000
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For non-reimbursable losses
caused by Hurricane Frederic

Total	<u>200,000</u>		<u>200,000</u>
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University of South Alabama ...	<u>415,000</u>		<u>415,000</u>
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For non-reimbursable losses
caused by Hurricane Frederic.

TOTAL	415,000		415,000
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SECTION 7.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby transferred from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

(2) There is hereby transferred from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

SECTION 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

SECTION 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 10. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

SECTION 11. This Act shall become effective on October 1, 1980.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

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By Reps. Sasser, Gafford, Biddle, McCorquodale, Manley, McMillan, Owens and Kelley:

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent (1½%) upon the purchase price of any automotive vehicle, truck trailer, boat, boat motor, boat trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 293. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser:

H. 440. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 440. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 315

The Senate proceeded to further consideration of the Bill, S. B. 315. The question was on the substitute for the Bill, S. B. 315.

Mr. Kirkland offered the following amendment to the substitute for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 315

Amend substitute for Senate Bill No. 315 Page 26 Line 40, by inserting "Conecuh County Board of Education \$50,000" and on page 11 strike out on line 31 "\$60,000" and insert in lieu thereof "\$10,000" and change totals where necessary.

Which was adopted.

Mr. Proctor offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED FOR S. B. 315

Amend substitute, as amended, for Senate Bill No. 315 Page 28 Line 35-36, by striking out the figures "500,000" and inserting in lieu thereof the following:

"305,000"

Further amend S. B. 315 on page 29 line 21 by striking the amounts on this line and inserting the following:

"68,700,000, 190,349,180, 259,049,180"

Further amend S. B. 315 on page 36 after line 35 the following:

"Spain Rehabilitation Center for Capital outlay	250,000
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SOURCE OF FUNDS:

(1) ASETF	<u>250,000</u>
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TOTAL	<u>250,000</u>	<u>250,000</u>
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Further amend S. B. 315 on page 20 lines 21, 27 and 28 by striking the figure 76,000 and inserting the following:

"96,000"

Which was adopted.

Mr. Harrison offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. NO. 315

Amend Substitute for Senate Bill No. 315, Section 3 A by inserting on page 23, line 26, a new subsection No. 22 and renumbering the subsequent subsections.

The new Subsection 22 is to read as follows:

STUDY COMMISSION, ALA-
BAMA EDUCATION

(a) Advisory Services Program . . . 250,000

SOURCE OF FUNDS:

(1) ASETF 250,000

Total Alabama Education Study
Commission 250,000 250,000

(to be used in accordance with Act
No. 15, 1969 Special Session)

And further amending the Substitute to Senate Bill No. 315, Section 3 A
by inserting on page 11, line 11 through line 21 in lieu of Subsection 9 as
follows:

9. Higher Education, Commission
on

(a) Planning and coordination
Services Program 711,405

(b) Alabama Student Assistance
Program 2,318,607

(c) Alabama Student Grant Pro-
gram 3,000,000

SOURCE OF FUNDS:

(1) ASETF 4,750,000

(2) Federal and Local Funds 1,280,012

Total Commission on Higher Edu-
cation 4,750,000 1,280,012 6,030,012

Which was lost.

Mr. Hall offered the following amendment to the substitute, as amended,
for the Bill, S. B. 315, to-wit:

Amend Substitute as amended, for Senate Bill No. 315 Page 18 Line 11,
by inserting the following language after the word Program.

"A local board of education may utilize their allotted kindergarten
teacher units to teach more kindergarten classes than their allotted number of
teacher units by dividing such teacher units into two different three (3) hour
session kindergarten classes per school day. One teacher may teach two
sessions."

Which was adopted.

Mr. Holmes offered the following amendment to the substitute, as
amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE AS AMENDED FOR S. B. 315

Amend Substitute for Senate Bill 315 on page 11 by deleting Section
3-A-10 in its entirety and inserting in lieu thereof the following:

10. Industrial Development Training Institute, Ala.

(a) Industrial Training Program 1,020,000

SOURCE OF FUNDS:

(1) ASETF 960,000

(2) Federal and Local Funds 10,000

Total Ala. Industrial Development Training Inst.	960,000	10,000	1,020,000
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Further amend the bill on page 36 by adding the following in Section 6 on line 35.

Cleburne Co. Bd. of Education ...	40,000
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To repair and replace roof on high school.

Which was lost.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

SENATE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR S. B. 315

Amend Senate Bill 315, Page 10, Lines 15-19, by striking out in its entirety and inserting in lieu thereof the following:

Rehabilitation Services Program	6,220,000	24,971,940	31,091,940
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Handicapped Recreation Program (to provide recreation at a year round accredited handicapped recreation facility)	200,000		200,000
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SOURCE OF FUNDS:

(1) ASETF 13,620,000

(2) Federal and Local Funds 27,930,140

Total Health Services	13,620,000	27,930,140	41,550,140
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Total Department of Education

Which was lost.

Mr. Barron offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend substitute, for Senate Bill No. 315 Page 38 Line 23, by inserting the following section and renumbering subsequent sections accordingly:

"Section 10. None of the funds hereby appropriated shall be used directly or indirectly, for lobbying purposes."

Which was adopted.

Mr. Robertson offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED FOR S. B. 315

Amend S. B. 315 by striking the words "Fire College" on page 5 in Section 3(A), sub-section 5(a), on line 20 and substituting in lieu thereof the following: "State Fire College and Technical Assistance Program at Shelton State Community College."

Which was adopted.

Mr. Robertson then offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend Senate bill 315 on page 21, in Section 3(A), sub-section 19(a), by striking all the words and figures on line 6-17 and substituting in lieu thereof the following:

19. Postsecondary Vocational-
Technical Education System.

(a) Instructional and Insitutional
Support Program 49,647,377

SOURCE OF FUNDS:

(1) ASETF	37,065,184		
(2) Federal and Local Funds		1,042,332	
(3) State Funds		563,944	
(4) Other Funds		7,691,145	
(5) Auxiliary Enterprises		<u>3,284,772</u>	
Total Postsecondary Vocational- Technical Education System ..	<u>37,065,184</u>	<u>12,582,193</u>	<u>49,647,377</u>

Which was lost.

Mr. Holmes offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend Substitute for Senate Bill 315 on page 11 by deleting Section 3-A-10 in its entirety and inserting in lieu thereof the following:

10. Industrial Development Train-
ing Institute, Ala.

(a) Industrial Training Program 1,040,000

SOURCE OF FUNDS:

(1) ASETF	980,000		
(2) Federal and Local Funds		<u>10,000</u>	
Total Ala. Industrial Development Training Inst.	980,000	10,000	1,040,000

Further amend the bill on page 36 by adding the following in Section 6 on line 35.

Cleburne Co. Bd. of Education . . .	20,000
To repair and replace roof on high school.	

Which was lost.

Mr. Robertson offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend substitute, as amended, for Senate Bill 315 on page 30 line 12 by striking the figure 9,475,000 and inserting in lieu thereof the figure "9,312,500" and on line 21 by striking the figure 8,475,000 and inserting in lieu thereof the figure "8,237,500".

Further amend Senate Bill 315 as substituted on page 27 line 9 by striking the figure 36,297,905 and inserting in lieu thereof the figure "36,435,405".

Further amend Senate Bill 315 as substituted on page 28 line 7 by striking the figure 15,583,842 and inserting in lieu thereof the figure "15,721,342".

Further amend on page 29, line 23 by striking the figure 6,721,621 and inserting in lieu thereof the figure "6,859,121".

Further amend on page 30, line 29 by striking the figure 1,620,000 and inserting in lieu thereof the figure "1,757,500".

Further amend on page 31, line 8 by striking the figure 39,902,614 and inserting in lieu thereof the figure "40,040,114".

Further amend on page 32, line 11 by striking the figure 6,211,932 and inserting in lieu thereof the figure "6,349,432".

Further amend on page 32, line 25 by striking the figure 11,707,000 and inserting in lieu thereof the figure "11,934,500".

Further amend on page 33, line 13 by striking the figure 3,882,000 and inserting in lieu thereof the figure "4,019,500".

Further amend on page 33, line 23 by striking the figure 6,115,443 and inserting in lieu thereof the figure "6,252,943".

Further amend on page 34, line 9 by striking the figure 7,932,000 and inserting in lieu thereof the figure "8,069,500".

Further amend on page 34, line 18, by striking the figure 11,824,547 and inserting in lieu thereof the figure "11,962, 047".

Further amend on page 35, line 14 by striking the figure 7,248,000 and inserting in lieu thereof the figure "7,385,500".

And recalculate totals accordingly.

Further amend on page 33 by striking lines 33-36 in their entirety.

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Further amend on page 29 by striking the figure 931, 773 on line 31 and inserting in lieu thereof the figure 681,773.

Which was lost.

Mr. Robertson then offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend substitute, as amended, for Senate Bill No. 315 page 8 line 35, by inserting:

Comprehensive Employment and Training Act.	\$250,000	\$250,000
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ADJOURNMENT

At 6:50 P.M., on motion of Mr. Pearson, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 315, the Senate adjourned until Wednesday, April 23, 1980, at 2:15 P.M.

TWENTY-FIFTH LEGISLATIVE DAY

WEDNESDAY, APRIL 23, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Jack Holland, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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JOURNAL

On motion of Mr. Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Goodwin, leave of absence was granted Mr. Clemon for today.

LOCAL BILLS ON THIRD READING

The Bill:

S. 550. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Coosa County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

Nays: —0

The Bill:

S. 557. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 557, to-wit:

COMMITTEE AMENDMENT TO S. B. 557

In Section 1, page 2, immediately following subsection (g) on line 6, insert the following subsection (h):

“(h) Clerk of the Circuit Court.

Such annual amount as is payable by the state as established under the general laws of the state in § 12-17-92(a), Code of Alabama 1975.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Proctor	White
Denton	Lemaster		

—25

Nays: —0

And said Bill, S. B. 557, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Proctor	White
Denton	Lemaster		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Patton:

H. J. R. 232. CREATING A SELECT INTERIM COMMITTEE ON JUVENILE JUSTICE.

WHEREAS, the rise in crimes involving juveniles has accelerated in recent years; and

WHEREAS, our youth are important to all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select interim committee on juvenile justice, composed of four members of the House of Representatives and three members of the Senate, appointed by the presiding officers of the respective bodies. The chairman and vice chairman of the committee shall be elected at the first meeting of the committee. The committee shall study all facets of the Alabama juvenile justice systems, including, but not limited to: juvenile law enforcement, juvenile probation services, the juvenile court system, and the department of youth services, and laws and practices relating thereto, which the committee members deem pertinent to their study. The committee shall have subpoena powers and powers to punish for contempt. Upon the request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1981 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,500.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 232, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 165. MOURNING THE DEATH OF WILLIAM KELLY LITRELL OF HARTSELLE, ALABAMA.

Also:

S. J. R. 166. EXTENDING A WARM WELCOME TO A NATIVE SON, HONORABLE WAYNE MIXSON, LIEUTENANT GOVERNOR OF FLORIDA.

Also:

S. J. R. 169. COMMENDING MISS DONNA BARROW FOR BEING CHOSEN 1980 ALABAMA TEXTILE QUEEN.

Also:

S. J. R. 173. MOURNING THE DEATH OF MR. B. ROPER DIAL, PROMINENT BIRMINGHAM BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 174. RECOGNIZING COACH CHARLES MARTIN NEWTON FOR EXTRAORDINARY ACHIEVEMENT AS HEAD BASKETBALL COACH FOR THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 9. RELATIVE TO REQUESTING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR A "HUMAN LIFE AMENDMENT" TO THE CONSTITUTION OF THE UNITED STATES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

H. J. R. 221. REJECTING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Committee created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the legislature on February 7, 1980, and the recommendations contained therein, are hereby rejected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 221, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John	
Bailey	Glass	Little	Taylor	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Mitchem	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

Nays:

—0

The Bill:

S. 565. Relating to Cullman County: To amend Act No. 896, Regular Session, 1978. To further provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes so as to provide for funds for schools.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Lemaster	Proctor	White	
Denton	Little			—25

Nays:

—0

The Bill:

S. 566. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays: —0

The Bill:

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 576, to-wit:

COMMITTEE AMENDMENT TO S. B. 576

Amend S. 576, Section 4, page 2, line 35, after the word "supplies" by deleting the words and figures "judicial salary supplement, judicial offices and supplies,"

Also, in Section 4, page 2, line 37, by inserting after the word "County" and before the period, the following: except those expenditure items which are normally funded by the unified court system budget and fund.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Taylor
Britnell	Gulledge	Miller	Vacca
Callahan	Hall	Mitchem	Weeks
Cook	Holmes	Parsons	White
Denton	Keener		

—25

Nays: —0

And said Bill, S. B. 576, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Taylor
Britnell	Gulledge	Miller	Vacca
Callahan	Hall	Mitchem	Weeks
Cook	Holmes	Parsons	White
Denton	Keener		

—25

Nays:

—0

RESOLUTION

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 175. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. Whereas under the provisions of Act No. 79-550 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker, and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1979 Regular Session and prior to the 1980 Session and submitted its report to the Legislature on the 19th day of February, 1980.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework and the impact of growth and urbanization on Alabama cities and towns and,

Whereas the current Session of the Legislature has adopted or will adopt several of the suggested pieces of legislation which the said Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the said Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, and

Whereas the Committee was most frugal in expenditure of funds and returned some \$2,100.00 of the \$7,000.00 funding authorized by Act No. 79-550, and

NOW THEREFORE, BE IT RESOLVED, that in order to further suggest to State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and re-organized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to continue to analyze the present status of municipal government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and needs of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make additional studies of, but shall not limit its consideration, to the following items:

1. The functions and responsibilities of municipal governments in providing services and facilities to the residents of the incorporated towns and cities of the State;

2. A further review and study of the legal framework of municipal governments in Alabama and recommendations as to the need for any additional legislation to broaden the powers and authority of such municipal government;

3. The financial abilities of municipal government and any legislation needed to provide more adequate financial resources for the support and ongoing of such municipal government;

4. A continued study of the impact of industrialization and rapid urbanization and the ability of municipal governments to cope with and provide reasonable and adequate standards of services and facilities to their citizens because of such rapid growth and expansion.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for the presentation of a preliminary report during the first week of the 1981 Regular Session of the Alabama Legislature, and a final report to be submitted during the 1981 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of the funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Dollars (\$7,000.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted.

LOCAL BILLS ON THIRD READING RESUMED.

The Bill:

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Britnell	Goodwin	McDonald	Smith	
Callahan	Hall	Miller	Taylor	
Cook	Higginbotham	Parsons	Teague	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	McDonald	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Lemaster	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Proctor
Bailey	Hall	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Teague
Denton	Lemaster	Pearson	Weeks
Figures	Little		

—25

Nays: —0

The Bill:

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Britnell	Keener	Parsons	Teague
Cook	Lemaster	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Glass	McDonald		

—25

Nays: —0

The Bill:

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
Denton	Keener	Proctor	Weeks
Figures	Lemaster	St. John	White
Glass	Little		

—25

Nays: —0

The Bill:

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Smith	
Bailey	Gulledge	Mitchem	Taylor	
Britnell	Hall	Parsons	Teague	
Cook	Holmes	Pearson	Vacca	
Denton	Keener	Proctor	Weeks	
Figures	Little	St. John	White	
Glass	Martin			—25

Nays: —0

The Bill:

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Holmes	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Callahan	Lemaster	Proctor	Weeks	
deGraffenried	Little	St. John	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Figures	Gulledge
Bailey	Callahan	Glass	Hall
Barron	deGraffenried	Goodwin	Holmes

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Keener	Martin	Smith	Vacca
Kirkland	Miller	Taylor	Weeks
Lemaster	Proctor	Teague	White
Little	St. John		
			—25

Nays: —0

The Bill:

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Proctor	Weeks
deGraffenried	Lemaster	St. John	White
Figures	Little		
			—25

Nays: —0

The Bill:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Keener	Pearson	Vacca
Callahan	Lemaster	Proctor	Weeks
deGraffenried	Little	St. John	White
Figures	Martin		
			—25

Nays: —0

The Bill:

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Miller	Vacca
Callahan	Holmes	Proctor	Weeks
deGraffenried	Keener	St. John	White
Figures	Lemaster		

—25

Nays:

—0

The Bill:

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith
Bailey	Hall	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Britnell	Keener	Parsons	Vacca
Callahan	Lemaster	Proctor	Weeks
deGraffenried	Little	St. John	White
Figures	Martin		

25

Nays:

—0

The Bill:

S. 433. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

was taken up.

Mr. Parsons offered the following amendment to the Bill, S. B. 433, to-wit:

AMENDMENT TO S. B. 433

Amend Senate Bill No 433 Page 1 Line 16, by striking out the word grantee after the word the, and inserting in lieu thereof "person to receive the tax notice".

Also:

Amend Senate Bill No. 433 Page 1 Line 21, by striking out the word grantee after the word the and inserting in lieu thereof "person to receive the tax notice."

Which was adopted.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Hall	Miller	Taylor
Callahan	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	White
Denton	Keener		

—25

Nays: —0

And said Bill, S. B. 433, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Hall	Miller	Taylor
Callahan	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	White
Denton	Keener		

—25

Nays: —0

INTERIM COMMITTEE REPORT FILED

Under the provisions of Act No. 79-43, the report of the Joint Study Commission on Agriculture was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in

this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

Also:

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Also:

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

by a majority of those voting, said vote being Yeas 18, Nays 0.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 28, Nays 0.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Adams (H), Willis, Drinkard, Harvey, Ford, Coburn, Riddick, Carter, Adams (C), Whatley and Ward:

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 697. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91

so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (with notice and proof):

S. 568. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford (with notice and proof) (With Substitute):

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its

negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the count in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford (with notice and proof):

H. 49. To require any public water works board in a Class 1 municipality in the state to pay 6½% interest per annum on all customer security deposits required for services.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford (with notice and proof) (With Substitute):

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs outside in the yard of any residence or in vacant lots within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin:

S. 549. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments, so as to increase the interest rate on the payment of the assessments.

By Mr. Martin:

S. 548. To authorize any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, when providing for the payment of municipal assessments to increase the interest rate on the payment of the assessment.

By Messrs. McDonald, Bailey and Goodwin:

S. 546. To amend Sections 34-4-2 and 34-4-50 of the Code of Alabama 1975, relating to licensing of auctioneers, so as to further define the word "auctioneer"; and to provide that each member of the state board of auctioneers shall be a licensed auctioneer.

By Mr. Glass:

S. 547. To amend Sections 25-10-3, 25-10-4 and 25-10-10, Code of Alabama 1975, known as the "Small Business Assistance Act," so as to create a department of small and disadvantaged business enterprise and to provide for the powers and duties of such department.

By Mr. Pearson:

S. 398. To amend Section 36-7-21, Code of Alabama 1975 (as amended), which provides for allowances of persons traveling outside state and authorization of out-of-state travel, so as to exempt persons employed by two-year postsecondary institutions which are under control of the state board of education from having to secure approval of the governor for out-of-state travel; providing persons representing two-year postsecondary institutions which are under control of the state board of education shall receive authority for out-of-state travel from the president of the institution and the state superintendent of education.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute) (With Amendment):

S. 213. To amend further sections 36-32-1 through 36-32-9 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission; and to provide that the legislature shall appropriate funds necessary to carry out the provisions of this act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Payne (with notice and proof):

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Smith (J): (With Substitute):

H. 161. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

Mr. Smith, Chairman, of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Adams (C):

H. 204. To provide that county commissions may meet one day the following week if the regular meeting day falls on a legal public holiday, and provides for notice of such meeting.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan (with notice and proof):

S. 397. To amend Act No. 31 of the Alabama Legislature, Second Special Session, 1975 which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing a public transportation service in such county and the compensation of directors of any such authority.

By Mr. Glass (with notice and proof):

S. 532. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

By Mr. Callahan (with notice and proof):

S. 577. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

By Mr. Glass (with notice and proof):

S. 591. To amend further Act No. 470, H. 952 of the regular session of 1939, approved September 15th, 1939, (local acts, 1939, page 298), and admended by Act No. 684 Regular Session of 1976 which creates and establishes the County-wide Civil Service System in Mobile County, so as to provide for an expense allowance and compensation for the members of the Personnel Board, and to provide for equal promotional opportunity for entry level unskilled laborers who have been employed in a jurisdiction for a minimum of six (6) months.

By Mr. Callahan (with notice and proof):

S. 593. Relating to Law Enforcement of Mobile County, fixing the fee for the issuance of pistol permits; specifically, amending Section 1 of Act No 474, S. 259, Regular Session 1969 (Acts 1969, p. 930).

By Mr. Lemaster (with notice and proof):

S. 594. Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

By Rep. Sandusky (with notice and proof):

H. 193. Relating to Mobile County; providing for an additional expense allowance for the tax collector.

By Rep. Zoghby (with notice and proof):

H. 236. Relating to Mobile County; providing for the position of super-numerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

By Rep. Sandusky (with notice and proof):

H. 409. Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

By Rep. Turner (with notice and proof):

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

By Rep. Turner (with notice and proof):

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

By Rep. Zoghby (with notice and proof):

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

By Rep. Buskey (with notice and proof):

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

By Rep. Buskey:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

By Rep. Rains, Kelley and Harvey (with notice and proof):

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

By Rep. Turner (with notice and proof):

H. 831. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

By Rep. Turner (with notice and proof):

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

By Reps. Kelley and Rains (with notice and proof):

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

By Rep. Zoghby (with notice and proof):

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

By Rep. Bedsole (with notice and proof):

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278 first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department

is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

By Rep. Sandusky (with notice and proof):

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

By Rep. Sasser (with notice and proof):

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

By Rep. Stewart (with notice and proof):

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

By Rep. Greer (with notice and proof):

H. 953. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

By Reps. Manley and Pegues (with notice and proof):

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

By Reps. Manley and Pegues (with notice and proof):

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

By Reps. Manley and Pegues (with notice and proof):

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

By Reps. Manley and Pegues:

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

By Rep. Gilmer (with notice and proof):

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or

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non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

By Rep. Letson (with notice and proof):

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

By Rep. Letson (with notice and proof):

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

By Rep. Letson (with notice and proof):

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

By Rep. Letson (with notice and proof):

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

By Rep. Adams (H) (with notice and proof):

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

By Rep. Adams (H) (with notice and proof):

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

By Rep. Turner (with notice and proof):

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

By Rep. Sandusky (with notice and proof):

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

By Rep. Sandusky (with notice and proof):

H. 992. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegation in Mobile County.

By Rep. Harper (T) (with notice and proof):

H. 997. To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

By Rep. Adams (H) (with notice and proof):

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 590. To amend Section 1 of Act No. 587, S. 659, Regular Session 1978 (Acts of Alabama 1978, p. 691) making an appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes so as to provide that certain funds may be transferred to the general fund of the Alabama Institute for the Deaf and Blind and may be expended for purposes other than capital outlay purposes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem, Lemaster and Cook (With Substitute) (With Amendment):

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of owner-occupied, single family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests on such single family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by the Authority, loans made to mortgage lenders and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the

proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; and to provide for the disposition of the earnings, if any, of the Authority.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

By Rep. Turner:

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

By Mr. Robertson:

S. 498. To further provide for payroll deductions for state employees.

By Mr. Callahan:

S. 525. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 8,000 or more located in a dry county, may change its

classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections; and to further provide authority for the sale of alcoholic beverages in state parks in dry counties under the supervision of the Alabama alcoholic beverage control board pursuant to Chapter 3 of Title 28, Code of Alabama 1975.

By Mr. Pearson:

S. 469. To amend Section 40-18-15, Code of Alabama 1975, which provides for income tax deductions for individuals, so as to increase the allowable deductions for taxes paid on tobacco and alcoholic beverages and increase the allowable deduction for charitable contributions.

By Rep. Turnham:

H. 104. To prohibit the sale of alcoholic beverages at any of the state welcome centers and rest areas along the public highways of Alabama.

By Mr. Callahan:

S. 179. To amend Section 16-13-146, Code of Alabama 1975, which limits the amount of interest to 6% per year on loans made by county and city boards of education, so as to raise this amount to 10% per year.

By Mr. Callahan:

S. 176. To amend Title 16, Section 13, Subsection 1 of the Code of Alabama, 1975 so as to change the fiscal year for all boards of education.

By Mr. Bailey:

S. 149. To establish the purpose and procedures for the distribution and use of the Funds to Replace Fees provided in the annual Appropriation of money from the Alabama Special Educational Trust Fund. Further to state the legislature's intent to eliminate required fees, to regulate remaining fees, and to permit voluntary fund-raising activities.

By Mr. Vacca:

S. 19. To amend Section 40-18-19, Code of Alabama 1975, which exempts certain income from state income taxation, so as to exclude payments made to certain individuals from certain county or municipal retirement systems.

By Rep. Owens:

H. 815. To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

By Messrs. Goodwin and Keener:

S. 563. To provide for the minimum compensation for all deputy sheriffs of the several counties of the state.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Amendment):

S. 578. To amend Section 9, Act No. 620, H. 711, Acts of Alabama, Regular Session 1978, so as to provide that the governing body as defined in said Act, may by resolution, add to the court costs in civil and criminal cases in the circuit, district and municipal courts, a fee, not to exceed \$5.00, which would be charged and collected as other court costs in such cases and used by said governing body to provide funds to support the public corporation established by said act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Sandusky:

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

By Reps. Owens and Reed:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Rep. Owens:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

By Owens:

H. 536. To make appropriations for the support and maintenance of the Talladega College.

By Rep. Owens:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been returned to the end of the regular Calendar for today, to-wit:

By Rep. Smith (J):

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Robertson:

S. 26. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

By Mr. Lemaster:

S. 458. To provide for the licensure and registration of building inspectors; to create the Alabama Building Inspectors Board; to prescribe the powers and duties of such board; to prescribe the procedure for obtaining a building inspector's license; to provide for the revocation of licenses; and to prescribe penalties for violations of this act.

By Rep. Ray:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

By Rep. Ray:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 218. CONDEMNING A PRACTICE OF DEPARTMENT AND/OR AGENCY HEADS, REQUIRING SUBORDINATES' ATTENDANCE AT SOCIAL FUNCTIONS.

WHEREAS, it has been called to the attention of members of the Legislature that it is the practice of certain Alabama department and/or agency heads to require attendance by subordinates at various social functions that have no connection whatsoever with the business of the State of Alabama; and

WHEREAS, it is the consensus of this body that no employee of this state should be required, through direct order, innuendo or implied coercion, to attend any social function and, most particularly, one that is not even given in direct connection with a seminar, or other educational meeting attended by personnel of the various departments and agencies of the State of Alabama; and

WHEREAS, the Legislature is of the further opinion that the appointing authority of department and agency heads in Alabama would also abhor such a practice and would wish to take disciplinary action against any individual mandating a subordinate's presence at a function entirely social in aspect; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in condemnation of the above described practice, we hereby urge the Governor of Alabama to express his disapproval of required attendance at social functions by state employees and to further discipline any appointee of his administration in violation of his wishes and of those of the Alabama Legislature.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor James and to the directors of all departments and agencies of the state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 218, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

was again taken up.

Mr. Kirkland moved that the Rules be suspended in order that he might offer an amendment to the Bill, S. B. 507. Upon objection of three Senators, the motion to suspend the Rules failed.

Mr. Barron moved that further consideration of the Bill, S. B. 507, be postponed temporarily.

Mr. Mitchem moved that the motion to postpone be laid on the table, which motion was lost.

The Bill:

S. 26. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceeding year was \$7,500 or less. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Robertson	
Britnell	Hall	Martin	Taylor	
Cook	Harrison	Miller	Weeks	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes	Proctor		—18

<i>Nays:</i>				—0
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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 232. CREATING A SELECT INTERIM COMMITTEE ON JUVENILE JUSTICE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 458. To provide for the licensure and registration of building inspectors; to create the Alabama Building Inspectors Board; to prescribe the powers and duties of such board; to prescribe the procedure for obtaining a building inspector's license; to provide for the revocation of licenses; and to prescribe penalties for violations of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	Parsons	
Bailey	Hall	Lemaster	Robertson	
Britnell	Harrison	Little	Smith	
Cook	Higginbotham	Martin	Taylor	
Denton	Holmes	Miller	Vacca	
Goodwin				—20

<i>Nays:</i>				—0
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The Bill:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Mitchem
Bailey	Hall	Lemaster	Proctor
Britnell	Harrison	Little	Smith
Cook	Higginbotham	Martin	Vacca
Denton	Holmes	Miller	White:
Goodwin	Keener		

—21

Nays: —0

The Bill:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Robertson
Barron	Holmes	Martin	Smith
Britnell	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Vacca
Hall	Lemaster	Proctor	White

—19

Nays: —0

FURTHER CONSIDERATION OF S. B. 507

The Senate proceeded to further consideration of the Bill, S. B. 507.

And said Bill, S. B. 507, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 6.

Abstaining 1.

Yeas:

Messrs.:	Goodwin	Lemaster	Pearson
Callahan	Gulledge	Little	Proctor
Cook	Harrison	Martin	Robertson
deGraffenried	Holmes	McDonald	Vacca
Denton	Keener	Miller	Weeks
Glass	Kirkland	Mitchem	

—22

Nays:

Messrs.:	Higginbotham	Smith	White	
Barron	Parsons	Taylor		—6

<i>Abstaining:</i> Mr. Hall	—1
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Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, S. B. 507, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Proctor (with notice and proof):

S. 598. Relating to Coosa County; providing a monthly expense allowance for the county coroner.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 598, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 599. Relating to the Thirty-ninth Judicial Circuit; providing a county salary supplement for the circuit judges effective the next fiscal year of Limestone County

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 599, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gullledge (with notice and proof):

S. 600. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 600, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Little:

S. 601. To amend section 36-27-16, Code of Alabama 1975, relating to the retirement of state employees, so as to extend the retirement age of state policemen six months past the age of 60 if such policeman so desires.

Committee on Finance and Taxation.

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By Mr. Hall (with notice and proof):

S. 602. Relating to Jefferson County; to provide that, no later than July 1, 1980, the county commission shall formulate and begin administration of a plan whereby certain county employees may purchase up to ten years credit in the county retirement system for certain past service to the county.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 602, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hall (with notice and proof):

S. 603. Relating to Jefferson County; to authorize and empower the county commission to formulate and administer a plan whereby certain county employees may purchase up to ten years credit in the county retirement system for certain past service to the county.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 603, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hall (with notice and proof):

S. 604. Relating to Jefferson County; to provide for the membership of any citizens supervisory commission established for the supervision and administration of any county-wide civil service system for the county.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 604, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Parsons:

S. 605. To amend Section 36-26-35 of the Code of Alabama 1975 relating to the annual leave of persons employed under the state merit system so as to further provide for credit for continuous service for certain employees employed by the State Department of Education, Disability Determination Unit.

Committee on Finance and Taxation.

BILL RECONSIDERED

On motion of Mr. Proctor, the Senate reconsidered the vote by which the Bill, S. B. 550, was passed.

On motion of Mr. Proctor, further consideration of the Bill, S. B. 550, was postponed temporarily.

UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

The question was on the Robertson amendment to the substitute, as amended, which said amendment and substitute are set out in the Journal of the Senate for the Twenty-Fourth Legislative Day.

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Robertson then offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend Senate Bill 315 on page 21, in Section 3(A), sub-section 19(a), by striking all the words and figures on line 6-17 and substituting in lieu thereof the following:

26. Postsecondary Vocational-
Technical Education System

(a) Instructional and Institutional Support Program	49,647,378
--	------------

SOURCE OF FUNDS:

(1) ASETF	37,065,184		
(2) Federal and Local Funds		1,042,333	
(3) State Funds		563,944	
(4) Other Funds		7,691,145	
(5) Auxiliary Enterprises		<u>3,284,772</u>	
Total Postsecondary Vocational- Technical Education System ..	<u>37,065,184</u>	<u>12,582,193</u>	<u>49,647,378</u>

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 15; Nays 12.

Yeas:

Messrs.:	Gulledge	McDonald	Proctor
Bailey	Higginbotham	Mitchem	Smith
deGraffenried	Holmes	Parsons	Vacca
Glass	Martin	Pearson	White

—15

Nays:

Messrs.:	Hall	Lemaster	Robertson
Barron	Harrison	Little	Taylor
Britnell	Keener	Miller	Weeks
Denton			

—12

Mr. Harrison offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

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AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend substitute, as amended, for Senate Bill No. 315 Page 36 Line 36 and 37, by inserting the following:

Section 7.

Fort Toulouse 135,000 135,000

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 20; Nays 4.

Yeas:

Messrs.:	Higginbotham	McDonald	Proctor
Cook	Holmes	Miller	Robertson
deGraffenried	Keener	Mitchem	Smith
Denton	Little	Parsons	Weeks
Goodwin	Martin	Pearson	White
Gulledge			—20

Nays: Messrs.: Barron, Harrison, Kirkland, Taylor —4

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend Senate Bill 315, Page 10, Lines 15-19, by striking out in its entirety and inserting in lieu thereof the following:

Rehabilitation Services Program	6,220,000	24,871,940	31,291,940
Handicapped Recreation Program (to provide recreation and services at a year round accredited handicapped recreation facility)	200,000		200,000

Which was adopted.

Mr. deGraffenried offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED FOR S. B. 315

Amend substitute, as amended, for Senate Bill No. 315 Page 11 Line 18, 21, by striking out 5,000,000 and inserting in lieu thereof the following: 4,674,998.

Further amend Senate Bill 315 on page 9 line 11, 15 and 20 by striking "128,571" and inserting in lieu thereof the following: "204,167".

Further amend Senate Bill 315 on line 13, 18 and 23 by striking "128,572" and inserting in lieu thereof the following: "204,167".

Further amend Senate Bill 315 on page 10 line 7 and 9 and inserting the following: 1,225,002

Further amend Senate Bill 315 on page 9, line 24 through 30 by striking in its entirety.

Further amend Senate Bill 315 on page 36 in Section 6 by inserting the following after line 35:

"Emergency Medical Services Education Program		128,571
To be distributed by the Department of Education to:		
(1) Trenholm State Technical College	128,571	128,571
	<u>128,571</u>	<u>128,571</u>

Which was adopted.

Mr. Robertson offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED TO S. B. 315

Amend substitute, as amended, for Senate Bill No 315 Page 11 Line 13, by striking out 961,405 after the word program and inserting 761,405 and further amend S. B. 315 on page 24 line 33 by adding Comprehensive Employment Training Act 200,000.

Which was adopted.

Mr. Miller offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend S. B. 315, Section 18, Page 19, line(s) 10 & 11 by striking the following: (Whole Lines) and inserting in lieu thereof, the following. The appropriation herein above for vocational education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

Which was adopted.

Mr. Hall offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend substitute for Senate Bill No. 315 Page 12 Line 37, by inserting the following after the word college.)

"Schools which receive a base appropriation for administration from the Postsecondary Vocational Technical Education allocation shall not also receive a base appropriation for administration from the Junior College System allocation."

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Pearson offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend substitute to S. B. 315 on Page 10 in Section 3(A), sub-section 5(1), by deleting the words "Health Services" on line 10 and substituting in lieu thereof the following: "Direct Client Services for the Handicapped."

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Which was adopted.

Mr. White offered the following amendment to the substitute, as amended, for the Bill, S. B. 315, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 315

Amend S. B. 315 by reducing each and every ASETF appropriation made in said bill by 1.2%.

Which was lost.

Yeas 5; Nays 21.

Yeas: Messrs.: Barron, Martin, Robertson, Taylor, White. —5

Nays:

Messrs.:	Hall	Little	Pearson
Britnell	Harrison	McDonald	Proctor
deGraffenried	Holmes	Miller	Smith
Glass	Keener	Mitchem	Vacca
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Lemaster		

—21

And said substitute, as amended, for the Bill S. B. 315, was then adopted by the Senate.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Hall	Martin	Robertson
Bailey	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Goodwin	Lemaster	Proctor	White
Gulledge	Little		

—29

Nay: Mr. Barron —1

And said Bill, S. B. 315, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Goodwin	Lemaster	Proctor	White

—31

Nay: Mr. Barron —1

Mr. Smith moved that the Senate reconsider the vote by which the Bill, S. B. 315, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 176. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-fifth legislative day only:

Bill No.	Page No.	Description
S. B. 573	106	Hall of Fame
S. B. 515	130	27th Jud. Circ., car & exp. allow
H. B. 776	91	Class 5 muni. auth. to hold city elec. in July
S. B. 230	61	Insurance, MH serv., reim.
H. B. 320	135	Attorney General Merit System
S. B. 247	47	Corp. Small Claim Rule
H. B. 41	69	Local Education effort
S. B. 490	92	Commodities, sold by bushel or barrel
S. B. 535	85	Council on Arts & Humanities, Merit sys.
S. B. 58	8	National Guard
S. B. 60	8	National Guard
S. B. 501	98	Empl's, dismissal hearings, regu.
S. B. 8	9	Soc. Sec. No. of driver on accident reports
S. B. 510	81	Criminal Code, 1979 Laws Incorp. into code
S. B. 436	66	Mtr. Veh. reg., Late fee dis.
S. B. 239	70	LEO civil service merit system, am'd
S. B. 456	101	Parolees, Contrib. Const. of Rehab.
S. B. 109	15	Driver's license, Fee Raised, Exam.
S. B. 553	109	Gulf St. Park St. Funds, surplus
S. B. 533	120	Lending Inst., Max. Int. Rate
S. B. 193	13	Child Labor Law
S. B. 194	14	Ed., Bds. of Insurance, Bldgs. & Prop.
S. B. 36	15	Powers of co. hospital boards
S. B. 587	134	Nursing Home Amd Bd. of Examiners

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

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SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 573. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

And said Bill, S. B. 573, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Smith
Bailey	Gulledge	Lemaster	Taylor
Barron	Hall	Little	Teague
Cook	Harrison	Martin	Weeks
deGraffenried	Higginbotham	Miller	White
Denton	Holmes	Mitchem	

—22

Nays: —0

The Bill:

S. 515. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Bailey	Hall	Little	Taylor
Cook	Harrison	Martin	Weeks
deGraffenried	Higginbotham	McDonald	White
Denton	Kirkland	Miller	

—18

Nays: —0

The Bill:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Mitchem
Bailey	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Cook	Harrison	McDonald	Weeks
deGraffenried	Higginbotham	Miller	White
Denton	Kirkland		

—21

Nays:

—0

The Bill:

S. 230. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 230, to-wit:

COMMITTEE AMENDMENT TO S. B. 230

Amend S. B. 230 by adding thereto in Section 2 which is located on page 2 of said bill on line 28 the phrase "nor amount" after the word "nature".

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Glass	Keener	Miller
Bailey	Goodwin	Kirkland	Mitchem
Barron	Gulledge	Lemaster	Parsons
Britnell	Hall	Little	Taylor
Cook	Harrison	Martin	Weeks
Denton	Higginbotham	McDonald	White

—23

Nays:

—0

The Standing Committee on Banking and Insurance then reported the following amendment to the Bill, S. B. 230, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 230, AS AMENDED

Amend S. B. 230 by adding thereto in Section 1 (a), page 2, line 9, the phrase "on referral of a licensed physician" after the word "worker."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cook	Gulledge	Keener
Bailey	Denton	Hall	Kirkland
Britnell	Glass	Harrison	Lemaster

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Little	Miller	Smith	Weeks	
Martin	Mitchem	Taylor	White	
McDonald	Parsons			—21

Nays: —0

Mr. Weeks offered the following amendment to the Bill, S. B. 230, as amended, to-wit:

AMENDMENT TO S. B. 230, AS AMENDED

Amend Senate Bill No. 230, as amended, Page 1 Line 33, by striking out individual after the word group.

Which was adopted.

Yeas 10; Nays 6.

Yeas:

Messrs.:	Denton	Higginbotham	Weeks	
Barron	Glass	Miller	White	
Cook	Gulledge	Parsons		—10

Nays:

Messrs.:	Goodwin	Harrison	McDonald	
Bailey	Hall	Little		—6

And said Bill. S. B. 230, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 2.

Yeas:

Messrs.:	Goodwin	Kirkland	Mitchem	
Bailey	Gulledge	Lemaster	Parsons	
Barron	Hall	Little	Robertson	
Cook	Harrison	Martin	Smith	
Denton	Higginbotham	McDonald	Teague	
Glass	Keener	Miller	Weeks	—23

Nays: Messrs.: Taylor, White. —2

The Bill:

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Goodwin
Bailey	Callahan	Denton	Gulledge
Barron	Cook	Glass	Hall

Harrison	Little	Mitchem	Taylor
Higginbotham	Martin	Parsons	Teague
Keener	McDonald	Robertson	Weeks
Kirkland	Miller	Smith	White
Lemaster			

—28

Nays:

—0

Mr. Bailey moved that the Senate reconsider the vote by which the Bill, H. B. 320, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 247. To amend Rule B of the Small Claims Rules so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 247, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 247

A BILL TO BE ENTITLED AN ACT

To amend Section 12-12-31 of the Code of Alabama 1975 providing for small claims actions so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-12-31 of the Code of Alabama 1975 is amended to read as follows:

"§ 12-12-31. (a) The district court shall exercise exclusive jurisdiction over all civil actions in which the matter in controversy, exclusive of interest and costs, does not exceed \$500.00. These actions shall be placed on a small claims docket by each district court and shall be processed according to uniform rules of simplified civil procedure as may be promulgated by the supreme court.

"(b) A party including an individual, partnership or corporation may appear in cases on the small claims docket of district court with or without representation by an attorney, and in cases of partnership or corporation may be represented by an officer or agent."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, S. B. 247, to-wit:

COMMITTEE AMENDMENT NO. 1 TO
SUBSTITUTE FOR S. B. 247

Amend Substitute for S. B. 247, Section 1, page 1, by deleting subparagraph (b) thereof (lines 33 through 37) and inserting in lieu thereof the following:

(b) A party including an individual, partnership, or corporation may appear in cases on the small claims docket of district court with or without representation by an attorney, provided that if a partnership appears without representation by an attorney, the person representing the partnership shall be a partner or employee of the partnership, and further provided that if a corporation appears without representation by an attorney, the person representing the corporation shall be an officer or employee of the corporation.

(c) No party shall seek or recover any judgment in a case on the small claims docket which includes an award of attorney fees unless such party is represented by a licensed attorney.

(d) No action shall be filed or prosecuted on the small claims docket by an assignee of the claim which is the subject matter of the action; nor shall any person, firm or corporation, excluding licensed attorneys, file or prosecute such an action on behalf of the original owner of the claim.

The Standing Committee on Judiciary then reported the following amendment to Amendment No. 1 to the substitute, for the Bill, S. B. 247, to-wit:

COMMITTEE AMENDMENT NO. 2 TO
SUBSTITUTE FOR S. B. 247

Amend Amendment No. 1 to substitute for Senate Bill No. 247 on Page 1, Line 29, by inserting after the word "action" the words "without being represented by a licensed attorney"

The Standing Committee on Judiciary then reported the following amendment to Amendment No. 1 to the substitute, for the Bill, S. B. 247, to-wit:

COMMITTEE AMENDMENT NO. 3 TO
SUBSTITUTE FOR S. B. 247

Amend amendment No. 1 to substitute for S. B. 247, Page 1, Line 22, by inserting before the word "employee" the words "full-time."

On motion of Mr. Higginbotham, said substitute and amendments were laid on the table.

Mr. Higginbotham then offered the following substitute for the Bill, S. B. 247, to-wit:

SUBSTITUTE FOR S. B. 247

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-12-31 of the Code of Alabama 1975 providing for small claims actions so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-12-31 of the Code of Alabama 1975 is amended to read as follows:

"§ 12-12-31. (a) The district court shall exercise exclusive jurisdiction over all civil actions in which the matter of controversy, exclusive of interest and costs, does not exceed \$500.00. These actions shall be placed on a small claims docket by each district court and shall be processed according to uniform rules of simplified civil procedure as may be promulgated by the supreme court.

"(b) A party including an individual, partnership, or corporation may appear in cases on the small claims docket of district court with or without representation by an attorney, provided that if a partnership appears without representation by an attorney, the person representing the partnership shall be a partner or employee of the partnership, and further provided that if a corporation appears without representation by an attorney, the person representing the corporation shall be an officer or full time employee of the corporation.

(c) No party shall seek or recover any judgment in a case on the small claims docket which includes an award of attorney fees unless such party is represented by a licensed attorney.

(d) No action shall be filed or prosecuted on the small claims docket by an assignee of the claim which is the subject matter of the action without being represented by a licensed attorney; nor shall any person, firm or corporation, excluding licensed attorneys, file or prosecute such an action on behalf of the original owner of the claim.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons	
Britnell	Hall	Little	Taylor	
Callahan	Higginbotham	Martin	Teague	
Denton	Keener	McDonald	Weeks	
Goodwin	Kirkland	Miller		—18

Nay: Mr. White.

—1

And said Bill, S. B. 247, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Callahan	Goodwin	Higginbotham
Bailey	Denton	Gulledge	Keener
Britnell	Glass	Hall	Kirkland

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Lemaster	McDonald	Parsons	Taylor	
Little	Miller	Robertson	Weeks	
Martin	Mitchem	Smith		—22
Nays: Messrs.: deGraffenried, White.				—2

Mr. Higginbotham moved that the Senate reconsider the vote by which the Bill, S. B. 247, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

was taken up.

Mr. Goodwin offered the following amendment to the Bill, H. B. 41, to-wit:

AMENDMENT TO H. B. 41

Amend House Bill No. 41, Page 1 and 2, Line 13, 23, 38 by striking out Ten (10) Wherever it appears and in Lieu thereof insert the word and figure "Seven (7)".

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (M), Holmes, Starkey, Greer, Goodwin, Whatley, Carter, Naramore, Kelley, Roberts, Patton, Letson, Cooley, Harvey, Stout, Shavers, Pegues, Grimsley, Cosby, Sasser, Holley, Carothers, Williams, Smith (J), Bennett, Gilmer, Waggoner, Lewis, Moore, Albright, Owens, Zoghby, Kennedy, Turnham, Shoemaker, Johnson (R. G.), Minus, Hall, Mitchell and Horn:

H. 577. To prescribe that it is unlawful for any person to knowingly permit his automobile or other motor vehicle, or to park or cause to be parked any unattended automobile or other motor vehicle on state property; to authorize capitol security police officers and other authorized persons to remove, tow or impound any such motor vehicle; to provide for certain prima facie presumptions against the registered owner of the motor vehicle; and to provide penalties for violations of the provisions of this act in the same manner as prescribed in Section 32-5-312 of the Code of Alabama 1975.

Also:

By Reps. Starkey, Coburn and Greer:

H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any

navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 577. To the Committee on Judiciary.

H. B. 925. To the Committee on Commerce, Transportation and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham and McCorquodale:

H. 889. To designate the wild turkey as the official state game bird for the State of Alabama.

Also:

By Rep. Gafford:

H. 458. Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

Also:

By Rep. Willis:

H. 605. To amend sections 40-9-19 and 40-9-21 of the Code of Alabama 1975, relating to homestead exemptions and an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older, so as to prescribe further the amount of exemption and the amount of acreage allowed for such exemption.

Also:

By Reps. Smith (C) and Whatley:

H. 457. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and service to process, to provide for executing and service of process, in certain instances, by mail.

Also:

By Rep. Zoghby:

H. 935. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Also:

By Reps. Bowling, Adams (H), McCorquodale, Shavers, Dial, Blake, Shoemaker, Gafford, Roberts, Letson, Johnson (R. G.), Clark, Harvey, Riddick, Smith (J), Carter, Gregg, Payne, Minus, Gilmer, Starkey, Cosby, Barton, Carothers, Cabaniss, Ford, Stout, Albright, Cobb, Cooley, Patton, Kelley, Waggoner, Drinkard, Manley, Bedsole, Hines, Wyatt, Whatley, Lewis, Williams, Coburn, Willis, Owens, Stewart and Grouby:

H. 466. To direct the state department of pensions and security to promulgate rules and regulations to require certain public assistance recipients who are able to work to perform public work or service for the state or county in exchange for the benefits which they receive.

Also:

By Reps. Biddle and Moore:

H. 453. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide further for the compensation of the sheriffs of the several counties in this state with a retroactive effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 889, 935 and 466. To the Committee on Governmental Affairs.

H. B.'s 458, 605 and 453. To the Committee on Finance and Taxation.

H. B. 457. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Naramore (with notice and proof):

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1016, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 1017. (Acts of 1973, p. 1098) as amended, "To revise and reenact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees';" so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1017, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Naramore (with notice and proof):

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1018, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Rep. Edwards (with notice and proof):

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost therefor, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1019, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 1026. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the Twenty-first Judicial Circuit of Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1026, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 1027. Relating to Escambia County; to further provide for the compensation of the board of registrars.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1027, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 1028. To amend Section 1 of Act No. 594, H. 991, Regular Session 1965 (Acts of Alabama 1965, p. 1115), so as to further provide for the compensation of the Escambia County board of equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1028, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 1029. Relating to Escambia County; providing further for the compensation of the chairman and members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1029, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 1030. Relating to Escambia County; to provide for an expense allowance for the sheriff of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1030, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 1031. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1031, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1016, 1017, 1018, 1019, 1026, 1027, 1028, 1029, 1030, and 1031. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 1031, was read a first time at length as required by the Constitution.)

FURTHER CONSIDERATION OF H. B. 41

The Senate proceeded to further consideration of the Bill, H. B. 41. The question was on the amendment offered by Mr. Goodwin.

Mr. Goodwin moved that further consideration of the Bill, H. B. 41, and pending amendment, be postponed temporarily.

On motion of Mr. Keener, the motion to postpone was laid on the table.

Yeas 17; Nays 7.

Yeas:

Messrs.:
Bailey
Barron
Britnell
Cook

deGraffenried
Gulledge
Hall
Harrison
Higginbotham

Keener
Lemaster
Little
McDonald

Parsons
Teague
Vacca
White

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Nays:

Messrs.: Goodwin	Kirkland Miller	Mitchem Robertson	Taylor Weeks	—7
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The question was again on the Goodwin amendment to the Bill, H. B. 41, and on motion of Mr. Keener, said amendment was laid on the table.

And said Bill, H. B. 41, was read a third time at length and passed.

Yeas 18; Nays 9.

Yeas:

Messrs.: Bailey Barron Britnell Callahan	Cook deGraffenried Denton Gulledge Hall	Harrison Keener Lemaster McDonald Parsons	Proctor Teague Vacca White	—18
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Nays:

Messrs.: Goodwin Higginbotham	Kirkland Little Miller	Mitchem Robertson	Taylor Weeks	—9
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BILLS ON THIRD READING RESUMED

The Bill:

S. 490. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally recognized in the present-day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Abstaining 1.

Yeas:

Messrs.: Bailey Barron Britnell Callahan Cook	Denton Goodwin Gulledge Hall Harrison Higginbotham	Lemaster Little McDonald Miller Mitchem	Robertson Smith Taylor Vacca White	—21
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Nay: Mr. Proctor. —1

Abstaining: Mr. Weeks. —1

The Bill:

S. 535. To amend further Section 41-9-43 of the Code of Alabama, 1975, relating to the Alabama state council on the arts and humanities, so as to bring the employees of such council under the provisions of the Merit System Act and State Employees' Retirement System; and to make certain exceptions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Bailey	Goodwin	Little	Smith
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Miller	Vacca
Callahan	Harrison	Mitchem	Weeks
Cook	Higginbotham	Parsons	White

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Grimsley and Daniels (with notice and proof):

H. 922. Relating to Houston County; to provide an expense allowance for the judge of probate and the revenue commissioner of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 922, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Whatley and Ward:

H. 932. Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

Also:

By Rep. Whatley (with notice and proof):

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City police jurisdiction, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 933, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Grimsley (with notice and proof):

H. 960. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Cowarts, in Houston County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 960, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1010, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 1011. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by certain portions of Acts of previous legislative sessions.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1011, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 1014. Relating to selling and redeeming lands for taxes in Walker County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1014, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 1015. Relating to Walker County: To amend Sections 3, 4, 9 and 10 and repeal Sections 8, 11 and 12 of Act 356, S. 502, 1971 Regular Session approved August 19, 1971 (Acts 1971, p. 652) as amended, which provides for the construction, maintenance and repair of public roads and bridges in Walker County, so as to earmark ninety five percent of all revenue received by the Walker County Commission from the coal severance tax provided for in Act No. 598 H. 643, 1977 Regular Session (Acts 1977 p. 799) for use and the maintenance in construction of roads in Walker County effective October 1, 1978; so as to provide funds in the County road and bridge fund equally among the commission districts of the county; and, so as to make certain powers vested in the county engineer, subject to the approval of a majority of the members of the County Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1015, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 922, 932, 933, 960, 1010, 1011, 1014 and 1015. To the Committee on Local Legislation No. 1

(The above numbered Bill, H. B. 932, was read a first time at length as required by the Constitution.)

BILLS ON THIRD READING RESUMED

The Bill:

S. 58. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

was taken up.

Mr. Cook was granted unanimous consent to take up the Bill:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

in place of the Bill, S. B. 58.

And said Bill, H. B. 61, was read a third time at length and passed.

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1289

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Miller	Teague
Callahan	Higginbotham	Mitchem	Vacca
Cook	Keener	Parsons	White
Denton			

—24

Nays: —0

On motion of Mr. Cook, further consideration of the Bill, S. B. 58, was postponed indefinitely.

The Bill:

S. 60. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

was taken up.

Mr. Cook was granted unanimous consent to take up the Bill:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

in place of the Bill, S. B. 60.

And said Bill, H. B. 58, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Taylor
Barron	Hall	McDonald	Teague
Britnell	Harrison	Mitchem	Vacca
Cook	Higginbotham	Parsons	White
Denton	Keener		

—21

Nays: —0

On motion of Mr. Cook, further consideration of the Bill, S. B. 60, was postponed indefinitely.

MOTION TO ADJOURN LOST

At 7:45 P.M., Mr. Robertson moved that the Senate adjourn until Tuesday, April 29, 1980, at 2 o'clock P.M., which motion was lost.

Yeas 7; Nays 14.

Yeas:

Messrs.:	Denton	Little	Smith
Callahan	Goodwin	Robertson	Vacca

—7

Nays:

Messrs.:	Gulledge	Keener	Taylor
Bailey	Hall	McDonald	Teague
Barron	Harrison	Mitchem	White
Cook	Higginbotham	Proctor	

—14

BILLS ON THIRD READING RESUMED

The Bill:

S. 501. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Taylor
Bailey	Hall	Little	Teague
Barron	Harrison	Mitchem	Vacca
Denton	Higginbotham	Proctor	White
Goodwin	Keener	Smith	

—18

Nays:

—0

The Bill:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents on the uniform accident report form.

was taken up.

Mr. Keener offered the following amendment to the Bill, S. B. 8, to-wit:

AMENDMENT TO S. B. 8

On page 1, at the end of line 10 insert: , or charged with a moving vehicle violation,

On page 1, line 11 delete the period and insert:
or citation.

On page 1, line 19 after the word "accidents" insert:
or charged with a moving vehicle violation

On page 1, line 19, delete the period and insert:
or citation.

On page 1, line 20 after the word "report" insert:
or citation

On page 1, line 28 after the word "accidents" insert:
or charged with a moving violation

Which was adopted.

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Yeas 19; Nays 0.

Yeas:

Messrs.	Harrison	McDonald	Smith
Bailey	Higginbotham	Mitchem	Taylor
Britnell	Keener	Parsons	Teague
Denton	Lemaster	Proctor	Vacca
Hall	Little	Robertson	White

—19

Nays: —0

And said Bill, S. B. 8, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Bailey	Harrison	Mitchem	Taylor
Barron	Higginbotham	Parsons	Teague
Britnell	Keener	Proctor	Vacca
Denton	Lemaster	Robertson	White
Gulledge	Little		

—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Boles, Trammell, Bennett, Howard and Lewis:

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

Also:

By Rep. Johnson (R. G.), Shoemaker and Minus:

H. 492. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 417. To the Committee on Governmental Affairs.

H. B. 492. To the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 510. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Cook	Little	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Hall	Miller	Teague
Britnell	Harrison	Mitchem	Vacca
Callahan	Keener	Proctor	White

—19

Nays:

—0

The Bill:

S. 436. To amend Section 6 of Act No. 79-797, H. 225, 1979 Regular Session (Acts 1979, p. 1455) now appearing as Section 32-6-65, Code of Alabama 1975, and Section 40-12-270, Code of Alabama 1975 so as to provide for the disbursement of the penalty fee assessed for late registration of a motor vehicle directly into the county general fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Taylor
Bailey	Gulledge	McDonald	Teague
Britnell	Hall	Miller	Vacca
Callahan	Higginbotham	Mitchem	White
Cook	Lemaster	Smith	

—18

Nays:

—0

The Bill:

S. 239. To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 239, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 239

Amend Senate Bill 239, page 1, line 25, by inserting after the word "two (2)" the following "of which will be elected by the majority of all the employees of the merit system"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
Cook	Keener	Parsons	White
Denton			

—20

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 239, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO
S. B. 239, AS AMENDED

Amend Senate Bill 239, page 1, line 23, by striking out after the word "have" the words "the option of having"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Bailey	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
Denton	Keener	Parsons	White
Goodwin			

—20

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 239, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO
S. B. 239, AS AMENDED

Amend Senate Bill 239, page 1, by striking the underlined language beginning on line 35 and ending on line 36.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Gulledge
Barron	Callahan	Denton	Hall

Harrison	Little	Mitchem	Taylor	
Higginbotham	McDonald	Parsons	Teague	
Keener	Miller	Smith	White	—19

Nays:

—0

And said Bill, S. B. 239, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 2.

Yeas:

Messrs.:	Denton	Keener	Smith	
Bailey	Goodwin	Little	Taylor	
Britnell	Gulledge	McDonald	Teague	
Callahan	Harrison	Parsons	White	
Cook	Higginbotham	Proctor		—18

Nays: Messrs.: Hall, Miller.

—2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bedsole and Harper (T):

H. 259. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Also:

By Reps. Stout, Hall, Cooley, Cobb, Starkey, McMillan, Greer, Goodwin, Brakefield, Bowling, Letson, Rains, Penry and Shavers:

H. 578. To amend Section 5 of Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties" and its employees therein, and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such amounts equal to accumulated sick leave to their respective county retirement systems if available; and to provide for the county governing body to hold such funds in trust for the options of payment or use.

Also:

By Reps. Grouby, Owens and Edwards:

H. 164. To re-open the Teachers' and Employees' Retirement Systems of Alabama for non-membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be

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active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and to provide that this Act shall take effect October 1, 1980, and to provide for its termination.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 259. To the Committee on Education.

H. B.'s 578 and 164. To the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 456. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers toward the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Taylor
Bailey	Gulledge	McDonald	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Harrison	Proctor	White
Cook	Keener	Smith	—18

Nays: —0

The Bill:

S. 553. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Barron	Callahan	Denton
Bailey	Britnell	Cook	Figures

Gulledge	Little	Parsons	Taylor	
Hall	McDonald	Proctor	Teague	
Harrison	Miller	Smith	White	
Higginbotham				—20

Nays: —0

The Bill:

S. 109. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 1.

Yeas:

Messrs.:	Denton	McDonald	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Parsons	Teague	
Callahan	Higginbotham	Proctor	White	
Cook	Little			—17

Nay: Mr. Barron. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mitchell, McKee and Cosby:

H. 740. To amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131 of the Code of Alabama 1975, which relate to the Alabama Board of Funeral Service and provide for the licensing of funeral directors, embalmers and funeral establishments so as to increase various license fees; and to further provide for the licensing of apprentices by lowering the age restriction and requiring that the period of apprenticeship be performed in Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 740. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 622. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 622. To the Committee on Governmental Affairs.

MOTION TO ADJOURN LOST

At 8:35 P.M., Mr. Little moved that the Senate adjourn until Tuesday, April 29, 1980, at 2:15 P.M., which motion was lost.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams (C):

H. 885. To amend Sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, 41-20-10, of the Code of Alabama 1975, as amended, and specifically repeals Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, all of which relate to the Alabama Sunset Law of 1976 so as to provide further for definitions of terminology; to eliminate specified termination dates for certain agencies; to provide further for the dates of termination of agencies reviewed; to provide for the submission of recommendations in bill form; to provide further for the furnishing of information by agencies upon request from the sunset committee; to provide further that certain factors may be taken into consideration in determining the public need for continuation; to eliminate zero-based review and evaluation as a criterion in determining sufficient public need; to provide that the legislative reference service shall furnish relevant information concerning agencies under review; to provide further for the legislative procedure in considering the sunset committee's recommendations; to provide further for the termination, modification and continuance of state agencies; to provide further for the commencement and limitation of debate on sunset committee recommendations; to provide further for the period when sunset committee recommendations shall be the first order of business, except under certain circumstances provided herein; to provide that the legislature may have any agency reviewed by the sunset committee by passing a resolution; to eliminate the four year life limitation on newly created agencies; and to eliminate the need for the governor to consider using the principles of zero-based review and evaluation for each state agency in the preparation of the budget for each fiscal year.

Also:

By Rep. Waggoner:

H. 770. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

Also:

By Reps. Waggoner and Bennett:

H. 891. To amend Section 37-3-4 and 37-3-33, Code of Alabama 1975 so as to alter the exemption granted motor vehicles hauling passengers to and from their place of employment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 885 and 770. To the Committee on Governmental Affairs.

H. B. 891. To the Committee on Commerce, Transportation and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment.

By Reps. Bedsole, Pegues, Johnson (R. G.), Carothers, Hines, Williams, Warren, Dixon, Parker, Zoghby and Kennedy:

H. 488. To make it a felony of falsify any claim or application for payment or benefits from Medical Services Administration or to knowingly assist in the preparation of false claims; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

Also:

By Reps. Payne, Pegues, Cobb, Warren, Cates, Biddle, Sandusky, Gafford, Waggoner and Olive:

H. 261. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

Also:

By Rep. McMillan:

H. 916. To amend Section 10 of Act No. 79-688, H. 540, 1979 Regular Session (Acts 1979, p. 1217), entitled "An Act Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in 'captive' counties, heretofore transferred to it, and revesting such

functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date," so as to provide further for the alternative effective date of said act.

Also:

By Rep. Riddick:

H. 473. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

Also:

By Rep. Smith (C):

H. 669. To amend Section 13, paragraph 52 of Title 16, Code of Alabama, 1975 to provide that a minimum of 75 days shall constitute the first four scholastic months.

Also:

By Rep. Drinkard:

H. 768. To amend section 5-9-22 of the Code of Alabama 1975 in order to provide that when any bank or banking association organized under the laws of the United States converts into a state banking corporation, all the property of whatsoever kind, things in action, and every right, privilege, interest and asset of the said national bank shall immediately, without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state banking corporation, and the state banking corporation shall be deemed to be a continuation of the national bank, and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee, beneficiary, executorship, trusteeship, or other trust or fiduciary function and all fiduciary relations including where the national bank is acting as administrator, coadministrator, executor, coexecutor, trustee or cotrustee of or in respect to any estate or trust and all rights, privileges, duties and obligations connected therewith, irrespective of the date when any such relation may have been created or established or the date of any trust agreement relating thereto or the date of the death of any testator or decedent, shall remain unimpaired and shall continue into and in the state banking corporation and the state banking corporation shall succeed to all such rights, obligations relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust of relation including the obligations and liabilities connected therewith, and nothing done in connection with such conversion shall be deemed to be or to effect a renunciation or revocation of any letters of administration or letters testamentary or a removal or resignation from any executorship or trusteeship or other fiduciary relationship

nor shall be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act, and any reference to the national bank in any contract, will or document shall be considered a reference to the state banking corporation unless expressly provided to the contrary in the contract, will or document.

Also:

By Rep. Carothers:

H. 586. To amend Sections 34-4-2 and 34-4-50 of the Code of Alabama 1975, relating to licensing of auctioneers, so as to further define the word "auctioneer"; and to provide that each member of the state board of auctioneers shall be a licensed auctioneer.

Also:

By Reps. Turnham and McCorquodale:

H. 811. To facilitate vehicular traffic in the state by providing for the construction, operation and maintenance of toll road, bridge and tunnel projects, creating the Alabama Toll Road, Bridge and Tunnel Authority and defining its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such projects; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such projects shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the Authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

Also:

By Reps. Adams (C), Starkey, Langford, Biddle, Clark (G), Campbell, Ward, Willis, Johnson (R. G.), Minus, Whatley, Carothers, Williams, Sandusky, Johnson (Roy), Cates, Wyatt, Ray, Grouby, Grimsley, Laird, Stout, Harvey, Bowling, Brakefield, Roberts, Patton, Carter, Smith (C), Naramore and Waggoner:

H. 701. To amend Title 23, Section 23-1-300, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama, 1975, as amended, relating to the Federal Aid Highway Finance Authority so as to include the Federal Aid Primary Highway System in the Federal Aid Highway Finance Authority for the purpose of further anticipating and providing for the Federal matching share of the cost of constructing highways.

Also:

By Reps. Adams (C), Starkey, Langford, Adams (H), Biddle, Clark (G), Campbell, Ward, Willis, Johnson (R. G.), Minus, Whatley, Carothers, Williams, Sandusky, Ray, Grouby, Grimsley, Laird, Wyatt, Cates, Stout, Harvey, Bowling, Brakefield, Roberts, Patton, Carter, Smith (C), Naramore and Waggoner:

H. 702. This bill creates an Equipment Replacement Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department. The purpose of said account is to allow the Highway Department to initiate a Road Machinery and Equipment Management System.

This Bill allows the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account. It appropriates those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

Also:

By Reps. Kennedy, Turner, Parker, Stewart, Warren, McKee, Grouby, Buskey, McMillan, Zoghby, Howard, Albright, Harper (T) and Turnham:

H. 668. To amend Section 13-6-85 of the Code of Alabama 1975 relating to defacing tombstones, trees and shrubbery so as to provide further for certain criminal offenses involving graveyards and cemeteries and the penalties for such offenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 488. To the Committee on Health and Welfare.

H. B.'s 261, 916, 473, 811, 701 and 702. To the Committee on Finance and Taxation.

H. B. 669. To the Committee on Education.

H. B. 768. To the Committee on Banking and Insurance.

H. B. 586. To the Committee on Governmental Affairs.

H. B. 668. To the Committee on Judiciary.

BILLS ON THIRD READING RESUMED

The Bill:

S. 193. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

was taken up.

Mr. Taylor offered the following amendment to the Bill, S. B. 193, to-wit:

AMENDMENT TO S. B. 193

In the title, on page 1, on line 18, delete the figures:

25-8-4

On page 1, on line 25 delete the figures: 25-8-4

On page 4, delete lines 5 through 24 in their entirety.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Gulledge	McDonald	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Harrison	Parsons	White	
Callahan	Higginbotham	St. John		—18

Nays: —0

And said Bill, S. B. 193, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Gulledge	McDonald	Taylor	
Barron	Harrison	Miller	Vacca	
Britnell	Higginbotham	Parsons	White	
Callahan	Keener	Proctor		—18

Nays: —0

The Bill:

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

was taken up.

Mr. Parsons offered the following amendment to the Bill, S. B. 533, to-wit:

AMENDMENT TO S. B. 533

Amend Senate Bill No. 533, Page 2, Line 16, by insert after the word void "December 31, 1981" and striking out the rest of line 16

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Bailey	Hall	McDonald	Smith	
Callahan	Harrison	Miller	Taylor	
Cook	Higginbotham	Parsons	Teague	
Denton	Keener	Proctor	White	—19

Nays: —0

Mr. Little offered the following amendment to the Bill, S. B. 533, as amended, to-wit:

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AMENDMENT TO S. B. 533, AS AMENDED

Amend Senate Bill No. 533, as amended, Page 2, Lines 18 and 19, by striking out after the word "legislature" the words "on by joint resolution of the legislature" and on line 18 after the word legislature a "period".

Which was adopted.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Denton	Higginbotham	Taylor
Bailey	Gulledge	Keener	Teague
Barron	Hall	Little	Vacca
Callahan	Harrison	Parsons	White
Cook			

—16

Nays: Messrs.: Proctor, Smith. —2

And said Bill, S. B. 533, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Denton	Keener	Smith
Bailey	Gulledge	McDonald	Taylor
Britnell	Harrison	Parsons	Teague
Callahan	Higginbotham	St. John	White
Cook			

—16

Nays: Messrs.: Hall, Little. —2

The Bill:

S. 194. To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property, and to require adequate coverage of buildings and property.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, S. B. 194, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 194

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property, and to require adequate coverage of buildings and property.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, § 41-15-1 is amended to read as follows:

"§ 41-15-1. Creation; purpose. There shall be a fund, to be known as the state insurance fund, carried by the state treasurer for the purpose of insuring loss by fire, lightning, windstorm and hail or fire and all the perils included under extended coverage on buildings in which title in whole or in part is vested in the state of Alabama or any of its agencies or institutions or in which funds provided by the state have been used for the purchase of land, construction of the building, purchase or maintenance of any equipment, furniture, fixtures or supplies in such buildings and public school buildings together with the contents of all such buildings; provided, that this section shall neither repeal nor in any manner affect the provisions of any local act of the legislature or any general act of local application authorizing authorize city or county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or in an insurance company, whichever in the opinion of such board provides the best coverage for such school buildings and property. In the event a board of education elects to purchase coverage from a private insurance company, said board of education shall be required to maintain an adequate amount of insurance protection on buildings and contents. Said protection may be provided in the form of blanket policies covering to a reasonable and adequate extent the property owned by the board of education."

Section 2. All laws or parts of laws which are in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

The Standing Committee on Banking and Insurance then reported the following amendment to the substitute, for the Bill, S. B. 194, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 194

Amend Senate Bill 194, line 37, page 1, by inserting after the word "districts" or institutions of higher education

Further amend on page 2, line 9, by inserting after the word "education" at institutions of higher education

Further amend on page 2, line 14, by striking the period and quotation marks and inserting and institutions of higher education."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:
Bailey
Barron
Britnell
Callahan

Cook
Denton
Goodwin
Gulledge
Hall

Higginbotham
Little
Parsons
St. John
Smith

Taylor
Teague
Vacca
White

—18

Nays:

—0

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And said Bill, S. B. 194, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Higginbotham	Smith
Barron	Goodwin	Keener	Taylor
Britnell	Gulledge	Little	Teague
Callahan	Hall	McDonald	Vacca
Cook	Harrison	Parsons	White

—19

Nays: —0

The Bill:

S. 36. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas

Messrs.:	Denton	Keener	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Parsons	Vacca
Cook	Higginbotham	St. John	White

—19

Nays: —0

On motion of Mr. White, the Rules were suspended and the Bill:

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 318, to-wit:

COMMITTEE AMENDMENT TO S. B. 318

Amend Senate Bill No. 318, Page 4, Line 16, by deleting the word and figure "eighteen (18)" and substituting therefor the word and figure "sixteen (16)".

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Parsons	White

—19

Nays:

—0

And said Bill, S. B. 318, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Harrison	Proctor	White
Cook	Keener		

—21

Nays:

—0

By unanimous consent, the names of Messrs. Bailey and Smith were added as co-sponsors of the above Bill.

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 318, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

On motion of Mr. Britnell, the Rules were suspended and the Bill:

S. 407. To amend section 32-6-1 of the Code of Alabama 1975 relating to driver's license requirements, expiration date and renewal procedures, so as to provide that notice be given to every person possessing a driver's license as to its expiration date, and to provide for payment for such notification.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 407, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 407

Amend Senate Bill 407, Section 1, page 2, line 24, by inserting after the word "notification" the following: "the funds collected under provisions of this bill will be deposited to the credit of the Department of Public Safety."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Smith
Britnell	Gulledge	Little	Taylor
Callahan	Hall	McDonald	Teague
Cook	Harrison	Miller	Vacca
Denton	Higginbotham	Parsons	White

—19

Nays:

—0

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The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 407, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 407, AS AMENDED

Amend Senate Bill 407 as follows:

On page 2, line 22, strike the figure "\$.50" and insert in lieu thereof: "\$.25."

On page 3, delete Section 2 in its entirety and substitute in lieu thereof:

"Section 2. This act shall become effective January 1, 1981."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	St. John
Britnell	Gulledge	Little	Smith
Callahan	Hall	McDonald	Taylor
Cook	Harrison	Miller	Teague
Denton	Higginbotham	Parsons	White

—19

Nays:

—0

And said Bill, S. B. 407, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Parsons	Teague
Callahan	Higginbotham	Proctor	Vacca
Cook	Keener	St. John	White
Denton	Little		

—21

Nays:

—0

The Bill:

S. 587. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Parsons	White

—19

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Ford and Drinkard:

H. J. R. 241. COMMENDING DOCTOR O.R. GRIMES OF GADSDEN ON FIFTY YEARS OF DEDICATED SERVICE TO HIS PROFESSION.

Also:

By Reps. Ford and Drinkard:

H. J. R. 242. COMMENDING MR. FRANK HELDERMAN, SR., RECIPIENT OF THE WILLIAM CRAWFORD GORGAS AWARD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The motion of Mr. Cook, the Rules were suspended and the Resolutions, H. J. R.'s 241 and 242, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Williams:

H. J. R. 233. COMMENDING THE "PRIDE OF THE SOUTH," THE DALEVILLE HIGH SCHOOL BAND.

Also:

By Reps. Williams and Gilmer:

H. J. R. 234. RECOGNIZING THE OUTSTANDING JUNIOR R.O.T.C. PROGRAM OF DALEVILLE HIGH SCHOOL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolutions, H. J. R.'s 233 and 234, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

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By Reps. Holmes, Kennedy and Buskey:

H. J. R. 239. COMMENDING DR. O.S. GUMBS, GRAND POLE-MARCH OF KAPPA ALPHA PSI.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 239, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 219. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 219, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

ADJOURNMENT

At 9:55 P.M., on motion of Mr. Little, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, April 29, 1980, at 2:05 P.M.

